

EXPERIMENTAL SOCIOLOGY.

DESCRIPTIVE AND ANALYTICAL

BY

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DELINQUENTS.

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TO THE FRIEND
TO WHOSE INTEREST AND COÖPERATION
THIS VOLUME IS DUE.

PREFACE.

THIS volume presents a study of methods of investigation of delinquents and their treatment, together with such suggestions for the prevention of criminality as has resulted from it. It is not a complete study and is published at the present time in the hope that it may secure the interest and coöperation of the general public and of specialists. It is the first of a series of studies involving laboratory methods. Since it is an appeal to the sympathetic interest and coöperation of the public, it is not prepared as a text-book and the author has put the results into the simplest form, all tables and technicalities being omitted whenever possible. The author realizes that the proposed methods are new, that they are defective, and that they will encounter much opposition. The material is the result of first-hand investigation and as it was undertaken in the midst of much prejudice and many difficulties and with no precedents for a guide, its trustworthiness should be considered in relation to these. The results are in no sense of the word conclusive, for they are but the beginning and indicate something of the field, and tend to show what may be anticipated from the continued research. Suggestions are made not in a critical spirit, but to contribute the best thought which the author has to offer. So far as possible, commendation has been given to the South for its truly great progress in the last decade, and an effort has been made to present its system in relation to the conditions which govern it.

There is no attempt to present a comprehensive study of criminal sociology, but only to develop the experimental field, and to give such suggestions as have arisen through this. The bibliography has been limited to volumes which present some phase of experimental work.

In the preparation, the author is indebted to the able assistance of Miss Frances E. Eddy in gathering and preparing material, and Miss A. Loesch for investigations among children. To Dr. C. R. Henderson much of the inspiration and guidance in so dark and forbidding a field are due, and to Professors A. W. Small, E. B. Titchener, J. R. Angell, the late Dr. Brinton, and others the author is indebted for many criticisms and suggestions. But none of these is to be charged with any defects or illusions in the work.

To the U. S. Bureau of Education for use of instruments, and to the Chicago Woman's Club and residents of Chicago, by whose coöperation the southern investigation was made possible, and last but not least, to the unfailing courtesy and coöperation of the officials whose institutions were visited, the successful completion of the work is due. If it throws any further light upon causes of crime and the means for its prevention, their interest will be justified and the author's purpose served.

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INTRODUCTION.

HAVING followed the growth of the papers which have come together in this book, it is a pleasure to commend them to the notice of those who, from scientific or philanthropic motives, desire to come nearer to an understanding of the character of convict women. The word "convict" is used advisedly in preference to the epithet "criminal," because not all who undergo punishment have a confirmed criminal disposition. Miss Kellor is one of the few women in the world who have begun systematically to study those women who have been condemned for punishable offenses. Already her journeys have extended to many institutions of the North and of the South, and she has endeavored to set down her observations so clearly and exactly that her record can be used, even if her theories seem open to criticism.

Indeed, it is chiefly to secure criticism that these tentative studies are published, since "truth is the daughter of time and of discussion," and the more severe the criticism, if only it be fair and intelligent and bring out new facts, the more will the cause here presented be served.

In a world that lies so far from that of respectable and cultivated life, so forbidding and dark, few educated women are willing to travel. Yet enthusiasm for science and for human welfare may bring the light of hope and accurate investigation into the most repulsive regions. The university cannot neglect any phase of social life. As in astronomy the study of perturbations in the movements of known

bodies leads to the discovery of new worlds, so in social science the investigation of evil brings us nearer to an understanding of the good and helps us on the path upward.

C. R. HENDERSON.

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EXPERIMENTAL SOCIOLOGY.

CHAPTER I.

ELEMENTS OF EXPERIMENTAL CRIMINAL SOCIOLOGY.

THE purpose of criminal sociology is to investigate crime scientifically : to study its origin and causes, and to determine, if possible, what proportion of responsibility belongs to society and what to the criminal. Remedies are to be examined as well as causes, as is also the effect of punishment as a means of reformation and prevention. From the nature and extent of its work, criminal sociology may be said to comprehend three parts—general, experimental and practical. The first consists in a summary and classification of all the facts known, and is used as the basis for further work—it is historical, descriptive and statistical ; the second includes the investigation of individual criminals, physically, psychically, and socially, with a view to analysis and determination of causes of crime ; the third embraces a consideration of methods and institutions for repression and prevention of crime. Criminal sociologists thus study crime with reference to its origin, propagation, prevention and punishment.

The origin of criminal sociology was in 1885, when the “First International Congress of Criminal Anthropology” was held at Rome. Its antecedents were the investigations of and published results in Morel’s *Traité des dégénérescences physiques, intellectuelles, et morales de l’espèce humaine, et des*

causes qui produisent ces variétés malades, in 1857 ; Darwin's *Origin of Species*, in 1859 ; Spencer's *First Principles*, in 1862 ; Despine's *Psychologie naturelle*, in 1868 ; and Maudsley's *Responsibility in Mental Disease*, in 1872. The needed impulse for a centralization of these studies was given by the publication of Lombroso's works, the first, *L'Uomo Delinquente*, appearing in 1876. Lombroso and his associated school of criminal anthropologists, including Italian scientists and jurists, may thus be called the innovators of the science, although it existed in fragments previous to their work.

It is, perhaps, unfortunate that at the beginning of the science two opposing schools should have arisen, Lombroso and the Italians leading the one, the French the other.

The Italian school emphasizes the biological, pathological and atavistic sides, and accounts for the presence of crime and distinguishing characteristics of criminals upon these grounds. In this belief, the investigations have been principally along anatomical lines, the assigned reason being that the organ must be studied before the function and the physical before the moral. It has continually sought to identify criminals with animals and barbaric peoples. One assertion is that the criminal possesses arrested development and harmonizes with the civilization of previous decades rather than with the present one ; that modern civilization has so rapidly advanced that it exceeds the natural capacity of many individuals who live in its midst. With this anatomical or biological basis in view, an extended series of anthropometrical measurements and some psychological tests, *e. g.*, of hearing, sight, touch, smell, sensibility to locality and pain have been taken, and a comparison has been made with similar measurements and tests of normal persons. From the results of this laboratory work, the school has announced a criminal

type, and asserts that all born criminals have characteristic anomalies—physical or mental. The former most frequently refer to the cranium and face, the latter to defective intelligence and absence of moral sensibilities. Criminals are divided into two categories, “born” and “occasional,” although the more accurate division into born, insane, occasional and habitual criminals and criminals by passion is used by some criminal sociologists.

The born criminal is asserted to conform to a criminal type, or at least has some of the specified anomalies. Some hold that the occasional criminal also possesses them, although not to so great a degree. The effect of environment is not absolutely excluded, but is considered of minor importance. Atavism is one of the pivots of thought of this school. So strongly is the biological side emphasized that it is asserted that “the great under-class of criminals have defective organisms, especially in relation to the brain and nervous system, and that all are more or less deficient in moral sense. They are perversely wicked, ignorant, and have a bad heredity.” Consequently not much stress is placed upon reform, but primarily upon prevention. These conclusions are the result of elaborate and assiduous investigations, and are supported by the prestige of prominent scientific names.

The French school is the result of a dissent from the Italian. While admitting the importance of the anatomical and physiological study of the criminal, they deny its precedence. Instead, they emphasize the psychological and sociological, and hold that the criminal should be studied as a member of the social organism; that he is equally the product of heredity and environment. Lacassagne, a prominent exponent of this school, has said: “Every society has the criminals that it deserves, and there is something radically wrong in the or-

ganization of the state." They deny that a criminal presents any peculiar anatomical characteristics, or that a criminal type exists. They have less sympathy with the study of the body, physiognomy, speech, handwriting, sensibilities, etc., than with social institutions, environment and heredity. They believe the great causes of crime are found not so much in an innate tendency to commit crime as in a lack of resistance to the pressure of social and physical life. They assert that three-fourths of the criminals are such by occasion, and deny that crime is a disease or is due to disease. In support of this denial they rely upon prison statistics, which show that 82 per cent. of the prisoners incarcerated are in good health. They hold that the criminal is only *slightly* abnormal, and show that of those who are guilty of crimes as many are at large in society and are classed as normal as are incarcerated in penal institutions, the ratio of convictions to crimes committed being less than one-half. The French faction characterizes Lombroso's theory as "a revival of the empiric science of phrenology," and the Italian results are deemed inconclusive because "the series of observations is limited, processes defective, methods dissimilar and the observers inexperienced." Little importance is attached to the theory of atavism or regression. Love of pleasure, aversion to labor, defective social institutions, bad financial administration are among the alleged causes of crime. No laboratory work has been done by this school, as the causes are not sought in the individual alone.

In America there are adherents to both schools, but there is a strong tendency to ignore such an absolute division. Indeed, in Europe both schools now admit that the two forces, biological and sociological, cannot be separated. In America this tendency can be partly understood, for the most active in

the field are the practical workers in institutions. With but two or three exceptions, universities and colleges offer no courses in criminal sociology and abnormal psychology, while in Europe this study is more extended. The investigation in America has covered three fields, and the development of interest and methods is most clearly traceable in such reports as those of the National Prison Association and National Conference of Corrections and Charities.

Anthropometry, psychology and sociology are separate fields of research and employ different methods. But the practical application of their methods is establishing a closer relation—so close that any thorough study of the individual or of the community will not be complete without all three. In the present study of criminality, such branches of these sciences have been adopted which seemed to meet the needs of experimental work. Thus from anthropology, anthropometry has been used chiefly; from psychology, laboratory materials and methods; and from sociology the individual rather than the historical and institutional method. Crime is thus studied inductively, for data are secured from minute study in all these branches rather than from wide observations of criminal populations. By this method, anthropometry reveals facts for the structure, psychology for the physical, psycho-physical and mental, and sociology for the environmental conditions in which the individual functions.

To determine the specific elements in such a phenomenon as criminal sociology presents, the first important problem is to secure scientific methods so that results may be not only trustworthy, but comparable with others. In three fields with such diverse methods this is not easily accomplished. Furthermore, when completed, there should be no important factor untouched, else the study is not synthetical and fails in its purpose.

In the present development of these sciences there are some difficulties in the way. In anthropometry accurate results are obtainable which can be arranged in tabular form. The methods and instruments are more perfect and the scope is confined within narrow limits. Investigations are limited by the structure of the individual and there is less variation than in a multitude of social forces. Thus, a deviation from normal in the formation of a physical part is easily recognized as such, but what is the deviation from normal home training, and yet this latter is but one part of the great structure of social forces which develop the individual. There is a far more definite conception of normal physiques than of normal social influences. Anthropometry is also an older field of investigation and has won the confidence of scholars.

The field of experimental psychology is not so widely known, and this method of studying faculties and emotions is more recent. It is scarcely more than two decades ago that Wundt began his investigations in this field. New instruments and tests are in constant demand, and results are often untrustworthy. Almost the entire field of emotional activity is untested as yet and satisfactory methods are extremely difficult to evolve. The head or the trunk of the body is measured once and this remains a representative figure. But mental faculties and emotions give different results according to moods and physical condition. To be more specific. The length of the arm or foot is the same whether an individual is fatigued, without food, or is burdened with weighty problems, but these affect reaction times, strength tests and memory.

In experimental sociology the problem is even greater. Here the data depends upon the observations of the investigator and the answers of the investigated. The observer may be biased, as where a predilection for socialism or temperance

reform exists, or where biological influences are favored, or where there has been insufficient training. This latter leads to negligence in collecting and filing data, and to erroneous conclusions. On the other hand, the replies of the investigated may be untrue or misleading. Visits to districts are more reliable, but even here the investigator may not see all or may choose a time when the influences are not truly representative. There is as yet no satisfactory way of correcting these defects. In anthropometry there is no opportunity for deception. In psychology a norm has been secured from measurements of students, so that the experienced psychologist knows when subjects are attempting to deceive. But in sociology, statements can be verified with only the greatest difficulty, and statistics, the most accurate form of sociological investigation, is based upon these same faulty methods.

With these difficulties well in mind, the author constructed a schedule from these three fields for experimental work, and has attempted to secure a representative series of results. The application of such a schedule to some definite phase of life will best test its efficiency and the criminal class was chosen. Measurements and tests were selected with a view to their trustworthiness and utility. Wherever possible the foregoing defects were removed.

Before the results of this investigation are submitted, a brief review of the utilization of these sciences for public welfare may prove of interest.

Anthropometry has been utilized in at least three such ways: (1) Measurement of normal individuals, in order to establish a standard, and obtain information about individual and racial characteristics. (2) For the identification of criminals. This use originated in Paris and is known as the Ber-

tillon System. (3) (a) In gymnasia as a guide for individual work and as a criteria of development. (b) In public schools and other institutions, for the purpose of regulating methods and amount of study. (3) To determine if criminal classes are abnormal, diseased or degenerate. The results here are compared with those for normals.

The social significance of these investigations are, in detail :

1. **Normals.** — Measurements of individuals for the purpose of establishing a norm are of social value for they give a standard for comparison. These have been made chiefly in university laboratories through investigations of professors and students, or have been worked out in the process of teaching methods. European investigators have measured hospital patients and peasants as the normal type. Careful measurements of the mouth cavity, teeth, palate, etc., have also been made of children and adults for a "normal type."

2. **Identification.** — When this system came into use, memory and photographs were the only agents available. It has long been known that habitual criminals are the most dangerous and expensive, and that old criminals migrate from one state to another. The adoption of the new system has made habitual criminal laws, indeterminate sentence, etc., feasible. There can be no question but that many are deterred from crime and that the state is a beneficiary through its adoption. So reliable is the method that only a few measurements are needed, and these include: Length and width of head, height, sitting height, length and width of right ear, lengths of left middle finger, of left little finger, of left forearm, and of left foot, and span of arms. To these are usually added a series of observations as color of eyes, shape of forehead, characteristics of ears, nose, etc., with a record of all scars and marks, and their exact location. The criticisms upon this system in

the United States are two : (1) Measurements are not uniform in all institutions, for some have more and some less than the series given. (2) All states have not adopted it. In 1901 a central bureau was recommended, which will in some measure remedy these defects.

3. *Gymnasia*.—The use here is widespread. The following is a typical series. Weight, height of sternum, navel, pubes, knee, sitting ; girths, of head, neck, chest, abdomen, hips, thighs, knees, calves, insteps, arms, elbows, forearms, wrists ; breadths of head, neck, shoulders, nipples, waist, hips ; lengths of forearm, upper arm, stretch of arms ; strengths of chest, back, legs, forearm, and lung capacity. These are taken when students enter the gymnasium and they are given work during the year, which is calculated to build up deficiencies. At the close of the year measurements are again taken and the progress noted. These measurements fall short of doing all that is claimed for them, because psychological elements are not ascertained. They do not show capacity for attention, endurance, etc., which are essential in physical attainments. Again, size of muscles is not necessarily an indication of good physical condition. Some attempts have been made to ascertain the relation between physical development and mental capacity. The difficulties are, at least, two : Measurements of size alone do not necessarily represent the best physiques, as where there are defects of nutrition or of the nervous system. Mental ability is made to depend upon examinations, and here memory and power of absorption, rather than powers of creation and for adjustment, are tested. Experience has shown that it is the average student who so often makes the successful literary, professional and business man. Capacity for grasping opportunities and for adjustment to the world's requirements oftentimes demands the highest kind of mental attainment.

4. **Schools and Institutions.** — This is the most recent use of anthropometry. The Chicago public schools have a department of child study in which both measurements and psychological tests are used, and requests have come to the University of Chicago for suggestions for the use of measurements in such institutions as those for the feeble-minded. The series used in Chicago public schools include: Weight, height, sitting height, strength of handgrasp and lung capacity. Under the title of growth are included a large number of observations as cephalic index, asymmetries of face, head and ears, diameters of the head, and anomalies and deformities. Illustrations of the social utility of these are: Height and sitting height may be used to determine defects in school furniture. When combined with psychological and social data it is possible to secure reliable information for nationalities, sexes and influences of study upon growth, etc., and to suggest modifications in both studies and methods.

5. **Criminals.** — Measurements of this class are due to a mass of preconceived theories, such as abnormality, degeneracy, disease and defects. These were popular when it occurred to some European investigators that if these were true, structural evidences must exist. When they began their investigations, anthropometry was well developed, experimental psychology was in its infancy, and sociology as a systematic study was almost unknown. The investigations were necessarily limited to the structure and five physical senses. Lombroso's work is the best known and for that reason is chosen for purposes of illustration. His belief is that "the differences between normals and abnormals are so small that they defy all but the most minute researches," and hence he is an advocate of the "anatomico-pathological" method. These include measurements wholly in the field of

anthropology and his series includes, briefly, these chief measurements :

Skull : Cranial and orbital capacity ; area of occipital foramen ; cephalic, cephalo-rachidian, cephalo-orbital, vertical, coronal, nasal, palatine, facial cranio-mandibular and minimo-frontal indices ; facial angle ; horizontal circumference ; height of face ; bizygomatic arches ; weight of lower jaw ; bigonial diameter ; symphytic height, and length of branchial arches. Supplementing these are a number of observations. These include all irregularities, depressions, super- and under-developments, and such characteristics as receding forehead, anomalies of teeth and ears, virility of features (in women), prominent cheek bones, etc. Weight and anomalies of the brain are included since he had access to deceased criminals. In addition there were observations upon weight, height, span of arms ; girths of arms, hand, neck, thigh, and foot ; cranial capacity and circumference, and cranial diameters ; and observations of hair, wrinkles, iris, baldness, etc. These constitute the "accurate measurements," although some are included which could scarcely be termed such. Under the head of vitality, he discusses length of life, voice, handwriting, muscular force and reflex actions. Under acuteness of sense are found tests of the five senses. Then follows a division of criminals into born, occasional and hysterical, and criminals by passion, with the characteristics of each. This is based largely upon an analysis of famous criminal cases, which exist only in historical narratives and aim at no precise statements. In briefest outline this is the scope of the work. It shows an elaborate use of anthropometrical methods.

Until recently the United States has, in the main, accepted these results with but little question. The "born and oc-

casional criminal," "atavism" and "degeneracy" are common expressions. There are at least three chief reasons for the United States having data for its own criminals:

1. These measurements were made upon foreign populations, and as many of them have an ethnic significance they cannot be applied to the different racial elements in this country.

2. This country is interested chiefly in determining the causes of crime in order to secure reformatory and preventive measures. The object is primarily practical, and structural measurements alone throw no light upon causes. Physical conditions as climate, soil, food, geographical location, and economic conditions, have an influence upon structure itself.

3. The conclusions advanced are not justified by the range and extent of the investigations. Indeed, it is doubtful if the investigators intended the wide application which has been given their results, for they have been used to prove any theory which has a strong hereditary or atavistic flavor.

Experimental psychology has had a much narrower application. It has been largely restricted to tests of students in laboratories, and in a few instances with defectives. In the university laboratory methods are taught and research is encouraged for its psychological value, rather than social application. This delay in the utilization of psychology is due first, to a large number of psychologists who believe that the science exists only for the class room, and that no demands should be made of it now; and second, to the lack of efficient methods and satisfactory results. Its use has been limited to three fields: tests of students, criminals and children. In the first it has been wide, in the second limited, and in the third it has scarcely been tested. The child study department of the public schools in Chicago, include these tests:

auditory, visual and motor capacities, fatigue, attention, memory, and judgment. These last three depend upon the statements of the teachers and can scarcely be included under experimental psychology as used here. Its potentiality is perhaps the greatest of the three sciences, but it will long be hampered by cumbersome methods.

The social value of experimental sociology has been shown in many ways during the brief time in which it has existed. By experimental sociology is meant scientific methods of investigation, and in some instances, if necessary, residence with the subjects or material under discussion. College settlements are perhaps the best illustration of the application of experimental sociological principles. A few, from many illustrations are given of the social value in various fields.

Dependents.—Studies of pauperism have led to more systematic alms giving, to organized charities and to such methods as sifting the real paupers through work tests. Studies of the poor have led to better housing, and to social settlements.

Defectives.—Studies of social influences have already thrown light upon causes of insanity, epilepsy, and inebriety. Already the pitfalls of the latter have been made clear.

Delinquents.—Reform prisons, reformatories, industrial, manual training and parental schools are the direct outgrowth of the recognition of environmental influences. Habitual criminal acts, indeterminate sentence and parole systems, are legal experiments based upon such social data.

Normal Individuals.—Adoption of such educational systems as manual training and vacation schools, and the existence of experimental schools, as those of Col. Francis Parker and Professor John Dewey, are evidences of social experiments in education, and have for their object, more perfect adjustment of the individual to environmental forces.

Religious.—Social studies have almost revolutionized methods of Christian teaching. Christian associations have arisen, the old Sunday-school method, so ill adapted to the child, is disappearing, and church extension work is quite as familiar as university extension. In communities where these social studies have not been made or their results have not penetrated, these changes are not so apparent.

Domestic.—Studies of homes and the relations within them have led to improved housing, better regulations, added comforts, etc.

Economic.—Investigations of sweat-shops, child labor, number of and causes for women in occupations, and analysis of *social* institutions of workmen throw light upon prices, labor, competition and other phases of economic life.

Municipal.—Studies of libraries have led to extension and improved systems; of parks to their growth and improvement; of mortality to improved sanitation, street cleaning, etc.; of slums to model tenement houses, etc.; of amusements, to introduction of more wholesome ones.

There is one need in experimental sociology. While it is true that the community is its laboratory there are other functions of a laboratory and that proposed includes in brief outline two parts: Equipment in a university where training for social service and sociological investigation can be done. This training must be first in methods, as use and preparation of blanks, charts, etc., interpretation of sociological data, use of instruments, and acquaintance with material, as visits to all institutions and localities which may be found practicable. Provision should also be made for training the specialist. The schedule should consist of one or more lectures weekly and regular laboratory periods. Pre-

requisites, or coördinate studies would include those in biology, psychology, anthropology, political science, etc.

The second function is that of investigation. Here the material, as normal, defective, delinquent, and dependent persons could be brought in and studied, and special research undertaken of environmental conditions, the laboratory serving as the guide and furnishing the opportunity. Such a laboratory should keep in touch with social service work and could train students for actual experimental work in settlements, civic reform, department store and vacation schools, and all similar movements in which workers should have experience. Charity workers are often untrained and this would be an important branch of the work. The equipment should be similar to that of other laboratories, consisting of needed rooms and appliances and should have a broad correspondence department so as to keep in touch with all branches of social activity and movements where students might be trained or find opportunities for social service. By including training in methods and opportunity for research the laboratory is complete and the work systematic.

In the schedules which the author has selected, and for which the data appear in the succeeding chapters, the belief is that the results of one science will supplement that of others, that is, if structural defects are found, it can be learned if they affect functioning, and, if defects of function are found, if they are dependent upon environmental factors, and so on. Wherever possible, they have been adopted, so that comparisons could be made. The general plan of the investigation includes the following:

Series I. This is of a normal class, and for this purpose students have been selected, for records of penal institutions show a small percentage of college-bred persons. Corre-

sponding to this class, criminals of the best education and highest social grade need to be studied. This will give a comparison between criminals and non-criminals of approximately the same intellectual and social grade. Series II. This consists of data for the great mass of criminals of fair or doubtful education. Corresponding to this, non-criminals of similar intellectual and social standing need to be studied. This gives results for criminals and non-criminals of a lower plane. Series III. This includes a study of negro students and criminals. This last series makes possible comparisons between negro and white students and between negro and white criminals. The investigations have been begun among women for two reasons: (1) The nature of the study is such that men could not be included; (2) the increase in criminality of women and previous studies seemed to justify such an investigation. Since it is sought here to present methods and plans of work rather than any conclusive results, measurements and tests of women are equally desirable. Unless otherwise stated, the data presented refer to fifty-five white female students, sixty white female criminals and ninety negro criminals. In all references to individuals they are termed subjects. The average time required for the investigation of each subject was five hours. In some instances criminals are divided into workhouse and penitentiary inmates. This seemed a better division than into criminals and prostitutes, as is used by others, for prostitutes are frequently criminals and a large per cent. of criminals are immoral, so there is no clear distinction. But workhouse classes are distinct, in that they are more dissipated, depraved, etc.

Anthropometric measurements used by the author include:

Head: Length, breadth, diameters, crown to chin and hori-

zontal circumference; *face*: height, breadth, edges of orbits, and corners of eyes; *nose*: height and breadth; *ears*: length of right and left; *mouth*: length and breadth; *thumbs*: length of right and left; *indices*: cephalic, facial and nasal; height, weight, handgrasp, lung capacity; strength of chest and arms; *girths*: neck, arm, chest, bust, waist, abdomen, thigh, calf, and ankle; and foot and hand imprints. Under observation are included such as: of the hair, skin, eyes, nose, lips, ears, forehead, chin, cheeks, speech, relative development of parts of the head, anomalies, scars and marks, etc.

The psychological tests include:

Physical: visual, auditory, tactual, gustatory and olfactory. In all instances two or three different tests are used for each. *Mental*: attention, memory, imagination, associative processes, reason, language, observation, and moral sense. *Psychophysical*: reaction-times, coördination, fatigue, tremor; and emotional reaction, as shown through the respiration.

The sociological include: For children, nativity, education, religion, home surroundings, amusements and occupation. For adults, education, religion, occupation, amusements, habits, hereditary influences, and conjugal condition. These are main divisions and each includes from four to ten subdivisions.

Summary: The methods and data of experimental sociology include those of anthropometry, psychology and environment. The purpose of this investigation in criminal sociology is a synthetical study of the causes of crime. The value is that when causes are understood, measures for reformation and prevention become more rational and sympathetic.

CHAPTER II.

TEMPORARY LABORATORIES AND CRIMINAL CHARACTERISTICS.

THE establishment of a temporary laboratory, such as was used by the author for the study of criminals, is a task of no small dimensions. There are three difficulties, selection of schedules, attitudes of institution officials, and management of subjects.

The selection of schedules is difficult :

1. Laboratory appliances must be portable, compact, easily arranged, contain as little breakable material as possible, and be selected with a view to avoiding suspicion and superstition in subjects. The journey through southern prisons alone covered 3,277 miles and laboratory apparatus was set up at least eight times. Residence in institutions varied from one to two weeks according to material and facilities for work. Apparatus could not be bulky or complex, for places for work were often difficult to obtain. A psychological laboratory has two prime essentials, it must be quiet, and free from visitors. The former is not easily secured in thriving institutions. In the north isolated and empty cells and sewing-rooms were utilized, and in two instances it was necessary to accept hospitals, as they were the only suitable places. In the south vacant parts of dwellings (as on convict farms), enclosed sheds, abandoned factories and hospitals were used. In two instances officers vacated their quarters. Complicated apparatus, as a chronoscope for reaction-times, could not be used, for electricity frightened the subjects. For these

reasons many important tests were omitted or inferior methods selected.

2. Schedules must be fairly representative of all three sciences, but subjects must not be fatigued, nor their time encroached upon too greatly. In the north the first is the greatest difficulty, in the south, the second. There is a strong spirit of independence among northern prisoners. They were procured by request and felt they could leave when they wished. In the south, subjects were selected and ordered to come. They were willing, but minus the "do as I please" air. Where the state controlled its convicts, as on state farms, they were needed in the field and at the time of the investigation, work was very heavy. Demands for labor are so great at times that pardons are sometimes withheld and the aged are given stimulants. Where a contractor or lessee controlled them, it was only by their courtesy that the convict's time was given, for the State had no authority. The series of measurements required about five hours for each subject, and exceeded this when they were slow, or when conversation was encouraged to gain an insight into their lives.

3. Tests must be interesting and should not alarm the subject. In the north, their willingness often depended upon the reports of the first ones tested, although curiosity brought in some.

4. With all these difficulties, the tests must still be the best and most trustworthy which each science affords, and the results must give complete data or reveal defects which can be corrected in subsequent investigations.

The attitude of prison officials is an important matter. When schedules are prepared, and apparatus secured, the former must be sent to them, the work carefully described, and permission requested to work in the institution. There

are various reasons why they cannot always grant this. (1) Wardens and superintendents are political appointees, and must guard against investigations which may be well meaning, but often make good political or campaign capital. (2) When the investigator is unfamiliar with prison systems and their requirements, and with the character of criminals, many things are criticised, even when the critic has nothing better to suggest. (3) In any new field, especially when methods and purposes are obscure, it is difficult to secure the coöperation of men who are dealing with practical affairs. (4) Residence of investigators who have free access to criminals and buildings makes possible misrepresentations by criminals, and gives a pretty thorough knowledge of "things as they are." Despite these difficulties entrance was secured to three penitentiaries, three workhouses, and two reform schools in the north, and in these every possible courtesy and facility was afforded: Women's institutions, as houses of refuge and reform prisons, almost invariably denied admission—some on the ground that the inmates were not criminals (the very problem upon which it was sought to throw light), and others because of publicity, fearing names and personalities were to be used. As a matter of fact, subjects are numbered and records are kept in tabular form. The individual is valuable only as a member of a group.

In the south there is even greater need for protection, especially from northern investigators, for there are conditions which give good basis for misrepresentations. But here the community is not so deeply interested in the welfare of criminals. In the north abuses easily arouse the indignation of the public; in the south, as most convicts are negroes it is not as ready to take up the matter, and politicians are not looking for this kind of capital. Nevertheless they were more

open than in the north. Admission was not denied to any and all could not be visited. It was secured through the courtesy of boards of control, state officers, lessees or men prominent in charity or penal work. Facilities at such places as convict farms were at best crude, but efforts were made to meet requests. The interest of southern officials was perhaps greater than in the north and the investigators were frequently called upon to try tests upon them or to entertain boards of control.

While the attitude of male officers was uniformly helpful that of matrons was much less so. In northern prisons they were often uneducated and extremely suspicious. They did not wish any intruders in their departments and in one instance the matron believed she would lose her position through the investigation and her attitude so affected the prisoners that subjects were undesirable. Another matron would not come into the laboratory because of superstition, and a number could see no use for the work. In workhouses matrons have less authority, but give more coöperation. At Blackwell's Island they were of special service, for they had been at that or other institutions many years and had numerous facts about localities, recidivism, and conditions of subjects which were extremely valuable. In the south there were but three matrons and they possessed little influence and were more interested in results. Where the work was conducted upon lessees' plantations the attitude was one of suspicion. They seemed in constant fear that something would be discovered. Measurements were taken in a part of the plantation mansion and convicts were sent in. All requests for visits to the convicts' quarters were met by assertions that it "was no place for ladies," although only women were confined there. It was necessary to arise at four o'clock one morn-

ing in order to get a glimpse of the place in which they were quartered and to secure pictures of the group. Resident ladies of the mansion had not visited this "stockade" in years, although it was less than a quarter of a mile away. The attitude of the southern public differs from that in the north. While the latter does not consider a study of criminals enviable work, by the former it is regarded with positive disfavor, and no social recognition is possible for one engaged in it. This attitude, however, is more characteristic of southern women than of southern men.

The greatest problem is to secure and manage subjects. There are two distinct classes among white criminals. One type, when asked, comes shambling along the corridor, sniffing at everything, as though the very walls would hurt her. She is ready to retreat at the first indication of danger, and peeps cautiously into the room. She is usually a whining, simpering subject. The second comes in boldly with an air of bravado, and with the intention of seeing the matter through at any cost. To both each test has to be carefully explained and often illustrated upon the experimenter. In the meantime she looks the ground over carefully and critically, always suspiciously, and sometimes fearfully. If she decides to stay, by the close of the first hour she is usually quite at her ease and is having an interesting time.

Suspicion and superstition are the most difficult elements to overcome, and the "weirdness" of the tests tends to accentuate them. Illustrative of those engendering suspicion are where closed eyes are required. At first the subjects continually opened them, fearing the investigator was playing some trick upon them. In kymograph tests they were extremely suspicious and one subject's comment was: "I never seed such goings on and I've lived in New York nigh onto

forty years, too." They were more superstitious about the head than any other part of the body. If a mole, size of ears, condition of hands and teeth, etc., were noted, they asked the meaning and would often give the superstition as, "fine hair indicates a quick temper," or "moles on the neck, money by the peck." They attempted to justify their qualities as, if their hair was fine they declared, "a women without spirit is no good," or *vice versa* if their hair was coarse.

Another difficulty was the influence of prison associates. They either "guy" subjects or ask numerous questions, and as they are requested not to give details of methods, the lack of information arouses wrath and contempt. They are really brave to come when this spirit prevails, for some of the things said and done are decidedly unpleasant and a criminal can, least of all persons, endure sneers of her fellows. The experimenter has thus the sympathy and interest of the prison population to win.

Vanity, obstinacy and perversity have to be met. Vanity was shown where they wished tests which, they liked or in which they excelled repeated day after day. Those for strength, color discrimination, fatigue, olfactory and coördination were especially popular. There is a distinction between vanity of students and of criminals. That of the former is more psychical and social and less physical. They fear that their mental and moral defects will be discovered or that they will suffer in the investigator's opinion. The criminal's vanity is less concealed by social artifices and relates more to physical attributes. Obstinacy is best shown by these illustrations: In one case, after association of ideas had been secured for two words, the subject declined to write further, saying: "Oh, well, I'm satisfied I've brains enough

to do it, and I'll do no more." After long and careful explanations of the method and purpose of a test, a subject might say: "Well, I think I'll not do that; what else you got?" Upon other days these same subjects would be ideal in behavior and attitude. Perversity was a more exasperating quality. One subject had asked to be tested. She did well for the first hour, then she had to "go iron some shirt waists"—a fabrication, for she was excused from work. Later she was seen in the hall and the matron asked her to return, but she concluded she "had 'nough." Scarcely had another subject been selected when she was back. She wanted to stipulate times and conditions, and when informed she was not wanted, went downstairs in a rage, which found expression in numerous expletives and in the assertion that she was "as good as any one else in the institution."

Much tact is required to prevent waste of time. Most subjects insist upon telling their story, and try to secure the sympathy and assistance of the investigator. These stories are frequently interesting and valuable, and the subject is offended if she is not permitted to give her views. The problem is to have her satisfied, to obtain the essential facts and to complete her tests in the required time. There were not a few subjects who came with the avowed purpose of "working" the investigator. They sometimes offered themselves in return for mailing letters, for tobacco and other stimulants, for carrying messages, etc., all of which were violations of institution rules. At the close of the chapter upon "Sociological Data" a few of the histories thus learned are reproduced.

Fear of injury is another detriment and only most painstaking efforts convince them that they are not to be hurt. For this reason only one series of sixty wishes could be ob-

tained. When the inmates learned for whom they were, they refused to write, thinking it would harm them in some way.

On one occasion a group reaction-time was taken. This was nothing more than requiring ten subjects to stand in a row, holding hands. When a block was dropped at the head of the line number one pressed the hand of the next one and this was passed down by each one as soon as received. Ten subjects were sent for and they came down one by one, muttering and swearing: "I won't be in it," "I'm no guy to be in that," etc. One or two wept so bitterly that they were dismissed and others sent for. They all believed that reaction-time was a new instantaneous method of photography. It took half an hour to explain the matter and line them up. Their amusement was great when they found out what the "fool thing" was. The best educated are taken first and usually there are one or two of sufficiently high grade to comprehend something of both objects and methods, and these make good allies. The experience in general is that, during the first few days subjects are scarce, then there is a plentiful supply, and at the close the remainder feel slighted because they are not selected, which indicates that coöperation is obtainable in such study.

It is almost impossible to make the purpose of the investigation clear. They see no reason for a study of causes of crime and many of them say truthfully enough: "I kin tell ye more about it thin ye can larn that way if ye liv wid me." Some asked to be examined for insanity and one subject was so much disgusted when she found palmistry and fortune-telling were not included that she called it all "stuff." At the close she hung about the laboratory and finally said, "Ye ain't goin to read my hand?" "No." "Ye don't do that?" "No." "Well, if I ha known that I would na ha come,"

and she flounced out of the room. Some thought it a sort of hypnotic cure and that they could be rid of diseases or evil habits and many pathetic requests were made. Others thought it a mind-reading establishment and in one institution the investigator was known as the "brain woman." In Mississippi an interesting incident occurred. There was an exceptionally attractive and bright negress (who had been to the laboratory) but her vanity and immorality, love of luxury, and habits made her a hopeless case. It was an instance of an educated and attractive negress who could find no opportunity to exercise these in an honorable way. One day a bright, good-looking convict said: "You have measured Parka?" "Yes." "Well, do you really thinks there is any good in her? It's this way. You are measurin' people and know all 'bout der traits and feelin's and me and Parka were engaged 'bout 8 years ago, but she's gone to the bad. Las' year I got sent here and foun' her. Now she's promised when we get's out she will marry me and be good, but I dunno, I dunno—she's gone fast for all time, I guesses." At the time of the question she was flirting with him, and by this method was obtaining all sorts of favors and luxuries, for he was a "trusty" and had the privilege of being about town.

Others considered it a "hoodoo" place and after being measured would watch themselves closely for an "effect." While the laboratory was being arranged, they kept away or would flee like sheep down the main hall when the investigator appeared. In workhouses they would "lay" for her and threatened to "do" her if she asked them to be subjects. An illustration of the extreme agitation is that after the investigator arrived and before work was begun she attempted to attend chapel. The service was nearly broken

up—the hymn stopped abruptly, apprehensive faces were turned toward the doors, and the inmates looked as though about to seek places of safety. Retreat saved the service. At the close of the stay her appearance created no commotion whatever. Workhouse classes are the most superstitious and suspicious and are more difficult to manage. They have free social intercourse and reports become current, and ideas are floated which are concoctions of their vivid imaginations. Every inmate contributes some new hallucination to the general distortion. In penitentiaries there is strict discipline and little communication, so the conditions are more favorable.

The next problem is, if there is a well-equipped laboratory and a supply of subjects, can trustworthy results be secured?

To insure this, suspicion and fear must be eliminated, and this requires careful arrangement of tests. Thus, color discrimination, fatigue and others permitting conversation are given first. Anthropometric measurements come last, for they resemble those used for identification, and lead to the belief that results are to be used against them. This feeling is strong, and one subject who was released during the investigator's stay, but who was sent back, declared it was her "examination turned her head," although she had been there several times previously. When the interest is secured and the first tests are understood, they are quite likely to accept the others without much question. If a convict should be attached to the kymograph before she was accustomed to the place she would bolt, or would not return when needed to complete her series, or fear would render her record useless. So with the algometer, which tests sensibility to pain. The mere mention of "pain" is sufficient to frighten them away.

Tests must also be arranged to avoid fatigue. When two requiring close attention are given in succession, results are less satisfactory than when a physical test, as for strength, is interposed, or when sociological data is taken.

From the first type of criminal, especially in workhouses, it is difficult to get trustworthy replies. They have an injured air when questioned about habits and seem shocked that they should be asked. One subject, who was a peddler and had been raised in an almshouse and later in New York streets, answered, "no" and "sure not" to all questions. To the final one for immorality she raised her eyes and hands, and in a most sanctimonious way replied : "Oh, no, I seldom ever have any bad thoughts." This type evades answers and direct questions. In such cases all resources must be utilized to verify sociological data. Answers of the bold type are much more reliable. They are usually honest, often brazen, and admit their habits and practices frankly and even boast of them with bravado. One such subject had given affirmative answers to uses of alcohol, tobacco, morphine, swearing, and immorality. Wishing to include all she added, "When I gets mad, I fights too."

Criminals have a great fear of cameras. When they gave their consent one great objection was they always wanted to "fix up." Some refused absolutely to be taken and others were angry if not invited ; at least they wished the privilege of refusal. One particularly desirable type had not been asked because she had boasted as to what she would do.

Not having finished her tests she was sent for. She was a big negress, and a notorious fighter in one of the city's worst districts. The laurels of her battles lay in the shape of scars upon her head and face like intersecting railways. She presented herself, and in a most defiant, quarrelsome tone said :

"I hears you want to take my picture." (As a rule, it was advisable not to bring a camera into the building until all other measurements were taken. Then the pictures were made one after the other, and finished before the report was through the building.)

"Who told you so?"

"Well, look heah. They tells me downstairs as how you've been down takin' pictures of our houses [which was true], and how you wants mine, and I want you to dun understand I won't have it."

"Didn't I tell you what I wanted you for?"

"Yes."

"Have you any reason not to believe me?"

"No."

"Then I'll tell you what you can do. You can come in here immediately and have your respiration taken, or you can go straight downstairs, for I have no use for you."

She didn't like being turned out, so she came in. In the course of the respiration, whenever opportunity permitted, she would recur to the matter, and there were indications of an active mental process. The drift of her questions: "Have you a camera?" "Could you take my picture?" "Would you give me one?" was not clear and she was asked if she wanted it taken.

"Well, if you give me one, I dunno."

She did not "flunk," but actually took the trouble to "sit" for it, though she said downstairs afterward that she had been a "fool for having it taken."

This illustrates perversity and is typical of the acts of many criminals. When taking pictures of districts in cities from which criminals came the same extreme suspicion and antagonism were apparent.

In a general way these statements apply to negro criminals. Subjects exercised no such prerogatives as in the north for they were not procured by request. Fear and superstition were marked but there was less suspicion for they knew less about electricity, systems of identification, hypnotism, mind cures, etc. The independent and often insolent attitude of northern negroes was entirely absent. The most objectionable class for study in all institutions is the northern negro. In their acceptance of freedom they go to extremes, for they are tenacious of rights, and not having the educational, cultural, and traditional training their independence becomes insolence. Southern negroes were not so much in fear of injury, for they believed the investigator was there to secure them pardons. They showed a similar apprehension of instruments, but it was easily overcome and their attitude was helpful. They seemed much disappointed when they made mistakes or when results were not satisfactory. Less time was required for their management than for any other class.

The types so distinct among white criminals were less discernible. There were few admissions of crime, but other questions were answered frankly. In states near northern boundaries, as North Carolina and Virginia, where negroes have more freedom, receive pay for overtime work, and have more leisure, the spirit was much the same as for northern negroes.

There are some distinctions between white and negro criminals which may be of interest in connection with the foregoing traits. They apply to both males and females, and include the following :

Crimes of negroes and whites are of much the same nature, but there is a difference in the manner of commission.

Negroes' crimes, especially against person, are more impulsive, and are often lacking in premeditation and careful scheming. The negro appears less criminal by nature, for he is deficient in sense of responsibility and in anticipation of results of his acts. Negroes have not attained standards which enable them to see clearly the *relation* of things, and there is not so great a *consciousness* of deviation from them. Immorality becomes such only when a race realizes its evils, and consciously brands it as such. Such laws have been accepted by negroes from the whites, but it is *imitation* only, for they have not been worked out through race experience and are not recognized as essential.

There are few or no truly great negro criminals. They are notorious and dangerous, but there is no criminal genius, at least not in the older generations. There are few professionals, although many are habitual offenders. "Professional" implies not only repetition and dexterity, but pursuit of crime as a sole means of livelihood. Negroes are notorious thieves, but they remain months and years in stockades that would not hold ordinary northern safe-blowers twenty-four hours. There is little or no criminal organization. They come from crime-breeding districts and often know each other, but there are few bands or gangs, with a recognized leader, whose object is commission of crime. This deficiency in organization and great criminals shows that the race may be inferior, but is not necessarily possessed of a greater criminal *sense*. Arts, speech (as slang), methods of communication, signs, etc., which characterize white criminals, are in a rudimentary state.

Among many explanations for these deficiencies may be mentioned, (a) Individual: less mechanical skill, inefficient mental grasp of situations and forces, little ability for organi-

zation, and lack of capable leaders. (b) Social: Small communities which are not favorable to organized crime, for in these people are better known to each other and detection is easy; limited transportation facilities, which make escape difficult. (c) Economic: Prices are high, but there is a liberal credit system, especially in rural districts and towns; fewer wants; less need and more sympathy because conditions are better known; and wealth in the north is represented by more cash and merchandise, and furnishes better material to prey upon. Much southern wealth is still in lands and products, although the rapid development of cities is changing this.

Class distinctions among negro criminals of different institutions are not upon the same basis. Offenders against person exhibit more pride, and it is considered more honorable to "cut" than to steal. This is unquestionably due to imitation of southern principles of honor minus the corresponding *sense* of honor.

Increase in the criminality of negroes is the subject of much comment. Although there are no records before the Civil War to show how great that increase is, for negroes were punished by masters and killed without trial, it is but logical that an increase should result. But bare statistics, such as the following, from reports by Dr. Winston and Dr. Wilcox, are misleading, for they reveal no causes and are quoted in support of theories which cast opprobrium upon the race, and which declare them incapable of advance.

"(1) The negro element is much the most criminal of our population. (2) The negro is much more criminal as a free man than he was as a slave. (3) The negro is increasing in criminality with fearful rapidity, being one-third more criminal in 1890 than in 1880. (4) The negroes who can read and write are more criminal than the illiterate, which is true of no other element of our population. (5) The negro is nearly three times as crimi-

nal in the northeast, where he has not been a slave for a hundred years, and three and a half times as criminal in the northwest, where he has never been a slave, than in the south where he was a slave until 1865. (6) The negro is three times as criminal as the native white and once and a half times as criminal as the foreign white, consisting in many cases of the scum of Europe."

What are the conditions which surround these statements?

(1) The negro race is several centuries behind the Anglo-Saxon race in civilizing agencies and processes, and the mass of them have been out of slavery less than forty years. For the loss of at least two centuries of this time the Anglo-Saxon is responsible. (2) Freedom brings with it an increase of criminality because it is only with freedom that the necessity for social and economic adjustment arises. There must be freedom before laws can be made for government. The negro was not a responsible being as a slave, neither did he need to adjust himself to the social whole. (3) The white race also increased in criminality from 1880 to 1890. The generations of negroes born just after the war closed, when parents were totally uneducated and did not know the first principles of child training, began to come into criminal ranks during the period quoted. (4) This statement is not borne out in the south, as is shown elsewhere from records and personal investigations in penal institutions of eight states. (5) The increased criminality of negroes in the north is easily understood. Negroes congregate largely in cities and the civilization in these is the most advanced in the world, and its many complex elements require the highest development for successful adjustment. What preparation has the negro had? Again, many of the negroes who constitute the criminal percentage quoted have recently come from the south and have been trained by parents reared in slavery. Seven-eighths of the negroes in the south occupy rural districts and

no comparisons are possible. Over two-thirds of all crime is committed in cities. Negroes in northern cities live in crowded, unsanitary districts and are subjected to the most deteriorating influences. (6) Statistical comparisons of crime are unsatisfactory unless biological and sociological conditions can be compared.

In addition to these specific conditions the following offer further explanations of the increase of crime. The agencies (given below) in the north reach whites far more effectively than they do negroes. (1) Penalties in the south are extreme and negroes are serving life sentences for crimes which receive penalties of from one to five years in the north. (2) There are no agencies for *preventing* crime in the south. There are no parental or vacation schools, no juvenile courts, no societies to aid discharged convicts, no employment bureaus, no coöperative societies, and no municipal lodging houses. There are three reformatories, no manual training schools, few kindergartens, no compulsory education laws, and few Y. M. C. associations. All of these are recognized as great forces in the prevention of crime. There are *no* movements or institutions for saving the negro women and they largely increase the statistics for female criminals in the United States.

Bare statistics reveal facts but they throw little light upon causes and do not assist remedial measures unless accompanied by other facts.

CHAPTER III.

ANTHROPOMETRICAL MEASUREMENTS.

IN this chapter are included measurements and observations of structure. Wherever possible comparisons with results of other investigators are made. Criticisms of methods and results are given only when they have been tested and found inadequate or inapplicable to American criminals. Results are presented in the least technical way possible.

European investigators have used a larger series than the author's, for they have included such as facial angle, vertical index, horizontal circumference, antero and postero diameters, and many others. These investigators have also made minute observations upon the skulls and brains of deceased criminals. If, in the progress of the present investigations, the differences between criminals and non-criminals warrant these minute measurements they will be added, but the conclusions reached through them and indicated in the present series do not show the necessity for it. The author's theory does not include observations upon deceased criminals unless psychological and sociological studies have been made while they were living. It is believed that only the functioning organism in response to well-defined environmental stimuli throws light upon causes of crime.

In the United States, measurements having an ethnic significance are of but little value in showing degeneracy or in establishing a "criminal type," for it is impossible, especially among lower classes, to secure pure types. They may be predominantly Irish or German, etc., but there are too frequently

infusions from other races. Even among negroes, pure types are not always obtainable. When they are secured they have frequently not been exposed to the same conditions of climate, soil, food, heat, etc., as with Irish immigrants. Another difficulty is where a pure type is found they are often so deficient in mental training that they cannot take psychological tests. Thus, measurements of students and northern criminals by necessity included mixtures of Germans, Irish, Scotch, Welsh, Swedes and English. Because of these mixtures the adoption of results of European investigators is impracticable and stress placed upon differences in size and peculiarities rather than upon defects and anomalies are equally so. Measurements of a brachycephalic race may well show that brachycephalism is a criminal characteristic if these criminals are compared with non-criminals of a dolichocephalic race, as where measurements of Italians are applied to negroes. The tendency is to under-estimate the ethnic significance. Whatever value the author's investigations possess lies in that they emphasize this significance, present the first scientific material for American female criminals, contain the first series of measurements of negro criminals, and show the necessary unity of physical, psychological and social data. It contains suggestions for further work rather than presents conclusive results. Averages are used mainly and nationality is oftentimes ignored, where the author's comparisons lie mainly between Anglo-Saxons and negroes. Students and white criminals represent as nearly the same racial mixtures as was possible to secure, and wherever race is an important element attention is directed to this fact and results should be cautiously used. Wherever possible averages are given in the Continental system in parenthesis, as well as in the metric system, and results may thus be more intelligible without close study.

The data are divided into two groups, for the head and for the body. The first includes measurements of cephalic index, distances between bizygomatic arches, between orbits, corners of eyes, nasal index, length of right and left ears, width of mouth and thickness of lips, and height of forehead. Observations comprise anomalies of head, alleged criminal characteristics, color of hair, of eyes, and of skin, pilosity, and pigmentation.

Cephalic Index. — This is the ratio obtained by measurements of length and width of the head. Dolichocephalic is the long head and includes all under 75; mesocephalic is the medium, and lies between 75 and 80; brachycephalic is the broad and includes all above 80. 30 per cent. of students, 18 per cent. of white criminals, and 27 per cent. of negroes were dolichocephalic; 30 per cent. of students, 31 per cent. of white criminals, and 55 per cent. of negroes were mesocephalic; and 40 per cent. of students, 50 per cent. of white criminals, and 17 per cent. of negroes were brachycephalic. Averages were: Students, 78.5; white criminals, 80.5; and negroes, 77. Lombroso's averages for prostitutes were, 74.6; for felons, 80.2.

Bizygomatic Arches. — Averages for students, 114 mm. (4.4 in.); white criminals, 112 (4.4); negroes, 126 (4.9).

Tarnowsky's averages were, prostitutes, 113 mm.; thieves, 114; and normals, 112.

Orbits. — This measurement is from the outer corners of eyes. Averages for students, 94 mm. (3.7 in.); white criminals, 91 (3.6); negroes, 98 (3.9).

Inner Corners of Eyes. — Averages for students, 29 mm.; white criminals, 26; negro criminals, 31.

Nasal Index. — This is the ratio of length and width of the nose. Averages for students 58.8; white criminals,

56.6; negro criminals, 87. Lombroso's average for criminals was 46.5.

Length of Ears.—Averages for students, right and left each 56 mm. (2.2 in.); white criminals, right 57 (2.2), left 58 (2.2); negroes, right 57 (2.2), left 56 (2.2).

Mouth.—Average width for students, 48 mm. (1.9 in.); white criminals 46 (1.9 in.); negroes, 50 (1.9 in.). Average thickness of lips for students, 14 mm.; white criminals, 11; negroes, 22.

Height of Forehead.—Average for students, 66 mm. (2.5 in.); white criminals, 60 (2.3); and negroes, 65 (2.5). Lombroso's results show but slight variation in the range of heights for criminals and non-criminals.

These measurements show some interesting features and psychological and sociological data throw some light upon them. The significant facts for cephalic indices are, large percentage of dolichocephalic students, of brachycephalic white criminals and of mesocephalic negroes. The theory that savage races are dolichocephalic and that criminals are allied to them finds little support here. Negroes have been regarded as a pure dolichocephalic race. In the eight southern states visited, only negroes under 40 years of age were measured, and the investigator was compelled to take mixtures, so common was the infusion of white and Indian blood. This is changing the physical characteristics of negroes. The same tendency is seen also in variations in the widths between arches, orbits, and corners of eyes, the difference being less than exists in pure negro types.

The nasal index of negroes presents significant ethnic characteristics. In some instances width exceeded length. Where white or Indian blood was traceable this, as well as extreme thickness of lips and other striking negro characteristics,

have a tendency to disappear. All of these are closely related to race.

Averages for lengths of ears show discrepancies between the two ears only for criminals. But this is misleading for 14 per cent. of students, 26 per cent. of white criminals, and 23 per cent. of negroes possess such anomalies. In height of forehead inclination and other peculiarities as width, narrow at top, etc., should be noted, otherwise it may be deceptive, for a good frontal development does not depend upon height alone. For negroes the narrow receding forehead is also disappearing and a comparison of older negroes and negro students at Tuskegee verifies this observation. Relative development of parts of the head shows that negroes have the parietal region best developed and students the frontal and temporal regions.

The observations are for the most part of characteristics which are alleged to be incident to the "criminal type" and were made upon larger numbers than were measured. They include physiognomy and expression.

Physiognomy. — High cheek bones, heavy jaw, prognathism, Mongolianism, outstanding ears, peculiarities of texture and color of hair, color of eyes, and pilosity are the most prominent peculiarities of structure.

Heavy jaw, prognathism and high cheek bones are clearly of racial significance. The negro race, irrespective of its criminals, is prognathous and the jaws are heavy. In the absence of clear racial lines for whites the unanswered question is: If between students and criminals these characteristics appear more common in the latter, will this hold true between normals and criminals of the *same social and economic grade*? Lombroso thinks they do. Certainly the "Mongolian type" is rare among American criminals. Outstanding ears do not

appear more observable in prison populations than among the masses and high cheek bones and heavy jaws are found in all classes.

When these defects are sought some tendencies must be guarded against. Criminals with shaven heads, dressed in crude and unattractive garb, without ornaments, have the characteristics more pronounced than do persons with whom they are compared. Many of them, especially in workhouses, are haggard and enervated from worry, want, dissipation, or illness, and sharp angles and facial prominences impress observers more forcibly than when seen in the same individual under different conditions. Color of hair and eyes are racial. No significance can be attached to the fact that more blonds are prostitutes and more brunettes are thieves unless race is clearly indicated. The author's observations of nearly 1,000 workhouse inmates reveal no predominances of one or the other which are at all significant. Among negroes this observation is valuable because it shows racial mixture. It is doubtful if any connection can be established between such data and crime, and if so it is even more doubtful if it will throw any light upon the *causes*. This is also true of pilosity and texture of hair. Coarse environments, coarse foods, and unhealthy physical conditions produce coarse organisms, but this is not more applicable to criminals than to others who live under similar conditions. Pilosity of negroes is small, and race and conditions under which it has developed are important.

Pigmentation is greater among the white criminals and this may find its explanation in nutritive and other conditions. In considering blemishes, as pilosity, moles, freckles, etc., as stigmata of degeneracy, and in comparisons, some stress must be placed upon the facility with which these are removed

from non-criminals of a high social grade. Color and texture of skin also show variations between students and criminals. How much the coarseness of texture is due to lack of care, exposure, etc., cannot be estimated, but it could well be a product of coarse environment. In general these data for structural peculiarities contribute but little to the theory of degeneracy and "type of criminals." They throw no light upon causes of crime for the facts determining such peculiarities are for the most part unknown. Lombroso concludes from similar and more extensive observations that the differences were not sufficient to establish criminal characteristics, and that female criminals have fewer signs of degeneracy than males.

Expression. — Observations in this field are less accurate than are the preceding. First, virility: Faces of criminal women unquestionably reveal harshness and cynicism and sometimes licentiousness, but masculinity has a distinctive character and is not necessarily made up of coarseness or vulgarity. The sharp competitive struggle for existence, dissipation, immoral surroundings, and harsh treatment, especially of prostitutes, must produce these expressions. This is true of their voices and gestures. They are said to be masculine. When they are quarreling and scolding together this appears true, but when each individual is separated and her normal tone is heard the quality is feminine, and the gestures are rather awkward and crude than masculine. Masculinity is interwoven with the physical structure and its functioning but harsh facial expression and loud tones may be more directly the result of circumstances. The author has made no observations upon wrinkles "which are characteristic of old prostitutes." Old women in American penal institutions are few in number. It would seem logical, however, that any class

which has much anxiety and uncertainty in life, is addicted to bad habits, struggles constantly against unfavorable conditions, and has but little access to the modern methods for the preservation of youth, would have these in greater abundance. They do not appear to add to the *criminal* expression.

Mantagazza describes a criminal thus :

"The criminal as to esthetical physiognomy differs little from the ordinary man except in the case of women criminals, who are most always homely, if not repulsive ; many are masculine, have a large, ill-shaped mouth, small eyes, large, pointed nose, distant from the mouth, ears extended and irregularly planted."

Lombroso says of a typical murderer :

"He has a cold, concentrated look ; sometimes the eye appears injected with blood ; the nose is often aquiline or hooked, always large, the ears are long, the jaws powerful, the cheek bones widely separated ; the hair is crisp and abundant ; the canine teeth well developed and the lips thin ; often a nervous contraction upon one side of the face only uncovers the canine teeth, producing the effect of a threatening look or sardonic laugh.

* * * and further, we shall be able to detect the criminal simply by his looks."

One with experience may be able to detect the thief from the murderer, but it is not by the contour of the head or by the number and kind of his cranial or facial anomalies. It is rather in the same way that men detect the clergyman or physician, and this involves a consideration of social and psychological facts as well as anatomical ones. They distinguish first by clothing, and a similarity of clothing adds to a sameness of appearance, as with clergymen. Certain occupations induce certain attitudes, handling certain tools produces certain adaptations and certain trades bring out a certain mental alertness or dullness, and these are incident to the trade or profession. These are the product of the criminal's or normal's functioning, not of his anatomy alone. As an illustra-

tion, if functioning is important, there is no reason why men who detect criminals should have a different expression from men who evade the law, for the faculties used are much the same, except that officers often belong to higher social and economic grades, which involve vastly different training and environment. A comparison of the two classes, despite this fact, sometimes favors the criminal. The criminal or individuals of different callings are known more by their bearing, attitudes, movements, etc., than by any anatomical anomalies. The types described by these observers exist among criminals, but also among normals, and there is no evidence in which they are most predominant.

Measurements of Body.—These include weight, height, length of thumbs and of fingers, girths of neck, bust, waist, abdomen, ankle and calf, foot and hand imprints, tests for strength and observations of tattooing, handwriting, nutrition, habits and other physical peculiarities.

Age.—In connection with many of these measurements and observations, age is an important consideration. The average age of students was 21.5 years; white criminals, 31 years, and negroes, 25 years. Age among the last two classes is unreliable, for white criminals were not truthful, and many negroes did not know the date of their birth or how long they had been in the prison.

Weight.—Average for students, 124 lbs.; white criminals (penitentiary), 129; white criminals (workhouse), 121. Weights for negroes were unobtainable. They were often isolated upon some plantation or state farm and no apparatus was available. From this imperfect data, negroes' weight exceeded that of white students and criminals. Lombroso and others emphasize the obesity of prostitutes, especially as they grow old. In the United States this does not appear

noticeable. From observations of nearly 1,000 individuals in workhouses, where the most degraded are seen, the reverse appears true. Lombroso's theory is that licentiousness tends to develop obesity, but insufficient nutrition, tense strain of competitive life, exposure to disease, irregularities of diet, sleep and exercise, bad habits and unhealthful excitement tend to counteract this. Lack of mental strain and anxiety, assured income and the luxurious surroundings of the leisure class are more conducive to this.

Heights. — Full: students 1651 mm. (65 in.); white criminals (penitentiary) 1625 (64.1); white criminals (workhouse) 1559 (61.4); negroes 1600 (63). Sitting height: students 866 (34.1); white criminals (penitentiary) 870 (34.2); white criminals (workhouse) 872 (34.3); negroes 825 (32.5). In the proportion of sitting to full height, it is seen that workhouse inmates present greater anomalies. All criminals are inferior to students in height, negroes more closely approximating the latter. Marro finds the average heights of prostitutes to be 1520 mm. and of normal women 1550 mm., which gives less range of variation than the above. For sitting height the average is 820 for prostitutes and 832 for normals (Bolognese). The variations between white students and criminals may be only partly explained by differences of race, for the undersize of inmates of workhouses is easily observed in the mass.

Lengths of Thumbs and Fingers. — Thumbs: students 59 mm. (2.3 in.); white criminals 59 (2.3); negroes 63 (2.5). In less than 1 per cent. of students, 16 per cent. of white criminals and 13 per cent. of negroes there were differences in length between right and left thumbs. Middle fingers: white criminals 98 mm. (3.9 in.); and negroes 104 (4.1). No data are available for students or from foreign investigations.

In both measurements negroes exceeded whites. As between offenders against property and those against person, there were no indications of "long fingers" among the former. For negroes especially, and for a few white criminals, injuries, bone felons and deformities through labor were explanations for these variations. Plough hands often had the fingers so stiff and bent that they could not be thoroughly straightened out for measurement.

Girths. — Results are available only for students and negroes. It was not deemed advisable to introduce these among white criminals for all objectionable measurements were omitted. For negroes: neck, 325 mm. (12.8 in.); bust, 852 (33.5); waist, 690 (27.2); abdomen, 805 (31.7); calf, 356 (14); ankle, 222 (8.7). The maximum measurements throw light upon obesity and were: neck, 378 mm. (14.8 in.); bust, 1053 (41.5); waist, 940 (37); abdomen, 1110 (43.8); calf, 410 (16.1); ankle, 288 (11.4). Lombroso finds among normal women that the circumferences of the calf and neck are equal or that the latter is less but never greater than the former, but among prostitutes it is frequently greater. Measurements usually exceeded those of normals, but his table of normals includes but 14 persons, others being unobtainable.

In seeking explanations of differences the following should be considered: Height and weight are to some degree dependent upon racial and nutritive conditions. Criminals and classes from which they come are muscle workers and although not steadily employed, are accustomed to heavy work. This would affect measurements of neck, calf, etc. A large percentage of criminals had been married and were mothers or were immoral which would affect measurements of bust, abdomen, and waist. This is an illustration of the value of social knowledge in interpreting results.

Hand and Foot Imprints.—The first was taken for individual characteristics and for use in connection with such facts as occupations, etc. Signs of degeneracy as “cross on fingers” are also alleged. The only result of interest here is the differences between the hands of muscle and brain workers.

The imprints of the former were often imperfect, the hollow preventing the full impression. The lines appeared to be less numerous and deeper. These were in some instances clearly due to the effect of labor.

Foot imprints were taken to ascertain the degree of arch. Talbot and other investigators believe that the flat foot is characteristic of savage races and that criminals are closely allied to these. Results are too few to be conclusive, but show that some of the best arches obtained were from criminals and some of the most deficient were from students. Some negroes had no arch while that of others was most decided.

In 25 per cent. there was no arch; in 67 per cent. it varied from one-third to one-half of the foot, and in 7 per cent. it was marked. Infusion of white blood and kind of occupation, wearing of shoes, and other external conditions partly account for the change. Between students and white criminals there were no discernible differences and between Anglo-Saxons and negroes the latter have less arch. It is exceptional to find a completely flat-footed Anglo-Saxon.

Strength Test.—The strength of hand grasp was taken with a dynamometer. Subjects were allowed several trials, so that representative results were secured. Results in pounds are: Students, right 71, left 60; White criminals (work-house), right 53, left 48; White criminals (penitentiaries), right 59, left 57; negroes, right 73, left 69. Only two students, three white criminals, and three negroes were left-

handed, but there were a number of cases where the left hand was stronger or equally strong. For students 18 per cent. were stronger in the left hand and 18 per cent. were of equal strength ; white criminals 28 per cent. stronger and 12 per cent. equal ; negroes, 19 per cent. stronger, 16 per cent. equal. Using the right hand as representative, of students, 23 per cent. were below 60 ; 52 per cent. between 60 and 80 ; and 25 per cent. above 80. Of white criminals 66 per cent. were below 60 ; 29 per cent. between 60 and 80 ; and 5 per cent. above 80. Of negroes 19 per cent. were below 60 ; 41 per cent. between 60 and 80 ; and 40 per cent. above 80.

The manometer was used for students and white criminals for further tests of strength of chest. For students the average in pounds was 166 ; white criminals (workhouse), 113 ; white criminals (penitentiary), 160.

Criminal women as a class do not necessarily excel in strength. There are several reasons. Some crimes require skill rather than strength ; those induced by social causes do not arise from a physique which is impelled to crime by its vicious impulses ; weak physiques drift into crime because unable to function successfully ; and habits and surroundings of criminals, especially of prostitutes, deplete vitality. For negroes, this last is not so true, for in dissipation, rate of living, competitive struggle, and privations, whites far exceed them. Small cities and the greater out-of-door life and work of negroes make possible a development far superior to that of New York slums.

Lombroso does not find any extraordinary muscular force among female criminals but his illustrations lead the general reader to infer that this is the case. He finds a large percentage of left-handedness. However, the dynamometer used by him is not a reliable test, for the left hand may be stronger without being more dexterous.

Observations. — First among these is tattooing. Students are not so decorated but it is common among both white and negro criminals and is also observable among lower classes. In nearly one-half of the cases it had been done while in prison. Initials, designs of hearts, anchors, and occasionally figures were seen, but were less complex than those on men, and women seem less proud of them. Upon negroes they were scarcely discernible. The arm was the most common place, although in some instances it was upon the back or chest.

In speech there were but few anomalies. Occasionally a subject was found who lisped, or whose speech was slow and labored. But it was not more common than was observed elsewhere. Lombroso's statement that criminal women possess a masculine larynx needs authentication.

Handwriting is valueless as a criminal characteristic. Even when criminals can read and write, they have so little occasion to use it that they rarely acquire a style which has a personality. They write awkwardly and with constraint, and the mechanical difficulty is clearly expressed. These do not constitute masculinity, as is asserted of female criminals. Only when the *habit* of writing exists can there be any individuality expressed.

The nutrition of students appears inferior to that of criminals. Inasmuch as this depended upon observation and answers of subjects, it is inaccurate, especially for negroes, for it was difficult to put the questions to them in a comprehensible way. Results for more trustworthy classes were: Good nutrition, students, 60 per cent.; white criminals (workhouse), 66 per cent., (penitentiaries), 75 per cent.

As between whites and criminal negroes, habits of the latter were more fastidious. Penitentiary inmates gave the body more care, and the conditions of prisoners when they

arrive is better. At workhouses they arrive hatless, wrapless, with scanty or filthy underclothing and torn and soiled outer garments. One of the greatest problems is to provide sufficient clothing with which to send out short-time prisoners. Many of them are infested with vermin, and sometimes a half dozen baths are required to restore them to cleanliness. Their clothes are always baked. White criminals in workhouses detest bathing day, and often try to hide or have to be driven to the bath-rooms. Then, again, evidences are seen of more fastidious habits. Mirrors are improvised out of pans, dishes and sinks, and attempts are made to appear well. It is noticeable, however, that they do not care so much while they are in the workhouse, but only when they are ready to go out, so it is public opinion rather than personal comfort and cleanliness which determines it. Women who go out of these institutions fresh and clean often come back in a few days with the same evidences of neglect. Negroes, on the other hand, seem more anxious for cleanliness, even in the workhouses, but on convict farms opportunities are limited and they are often so tired from work that neglect results. They complain of the lack of baths rather than of their use. Districts of both white and negro criminals, however, reveal much the same surroundings.

These data illustrate the need of investigation and of more careful study of "degeneracy," "criminal types," "anomalies," etc.

CHAPTER IV.

PSYCHOLOGICAL TESTS.

THESE tests are arranged in three groups. The first (physical) includes visual, auditory, dermal and muscular sensations, gustatory and olfactory; the second (mental), memory, association of ideas, qualities, and color preference; the third (psycho-physical), fatigue, coördination, reaction-time, and emotional manifestations, for which the kymograph was used. To the second group have been added tests for reason, imagination, observation, language and moral sense. Observations upon these are given in the chapter on "Suggestions for Laboratories and Child Study." Brief outlines of methods are given in order that results may be wholly intelligible.

Results for group one include the following:

Visual. — Two tests were used. For color-blindness, a series of wools was selected similar to those used by railways. Four colors, blue, green, red and yellow, are given in succession and the subject is requested to separate from a mass of colors all that match, or contain the original. There were no cases of color-blindness among either students or criminals, but color-weakness was found in both classes. Students were more accurate and white criminals were conscious of errors, but could not correct them. Negroes had had but little experience, and were sometimes conscious of mistakes and would say: "That doan suit me"; "It's the best here"; "Is this the best you got?" Color-blindness is rare in women and does not appear to characterize criminals.

Scripture's color-tester requires less time and secures better results than the method used.

For reading, the object was to determine defects and differences between the eyes. Printed letters of various sizes were chosen, for criminals often could not read a text. Each eye is tested separately. Cases of strabismus, myopia, hypermetropia, etc., appeared in all classes, and there were many discrepancies between the eyes. For white criminals, the right eye was better for 25 per cent.; the left for 16 per cent.; and the remainder showed equal or no defects. Among normals unequal strength of vision is common. Physicians' reports indicate that in industrial schools the defects reach nearly 50 per cent. No comparison is possible with normal children for there is rarely a systematic inspection. For negroes, 22 per cent. were so illiterate that no results could be obtained, and in nearly 6 per cent. of the remainder one eye was superior to the other. Where these differences constituted defects, causes were ascertained. Some were congenital and others were due to social conditions, as injuries received during quarrels or to diseases contracted.

Auditory.—These were two. The first is taken with a stop-watch. The subject is placed in a quiet room, and the right ear stopped with cotton. With her eyes closed she is requested to state when the watch is heard, and when not. This is repeated for the right ear. The watch is started close to the ear and moved gradually out until the point is reached where she is sure it can just be heard. Then it is started from a point where it cannot be heard and moved in until just discernible. The watch is sometimes placed behind the operator or the sound deadened so that deception can be detected. The average distance for students in feet was, right, 3.9, left, 4; for white criminals, right, 4.7, left,

5.4 ; for negroes, right, 6.3 ; left, 6. 22 per cent. of students showed marked defects ; white criminals 23 per cent. ; and negroes 11 per cent. Where hearing was defective catarrhal and scrofulous diseases were sometimes found and defects of one ear were oftentimes due to injuries. Negroes and workhouse inmates among whites bore evidences of hard usage, for scars and marks about the head were numerous. Many subjects did not know of the defects until they found they could not hear a watch tick at a distance of six inches. Seashore's audiometer is more accurate, but its expense constitutes an objection.

The test for discrimination of pitch is taken with a Galton whistle, an instrument which registers in millimeters the amount of air required to make a soft or loud whistle. At first the sound is only air but the space is increased until the whistle is clear and is heard by the subject. When she is sure she hears it the registration is taken. This is the "up" record. Then the whistle is started loud and clear and is gradually decreased until it can no longer be heard. This is the "down" record. These two points indicate the individual's power of discrimination. Averages were : students, up, 20, down 21 mm. White criminals (penitentiary), up and down 33 mm.; workhouse up 36, down 37 ; negroes, up 31, down 35. Discrimination of high pitch requires a finer sense than that of sound, which is more familiar, and this accounts in some measure for the negroes' average being below students.

Dermal and Muscular. — There were four. The first was the æsthesiometric, and was not satisfactory. The instrument is so arranged that two points can be moved any desired distance apart, and this is registered in millimeters upon the rod. The points are first placed far apart, and when pressed upon

the skin both can be distinctly perceived. This distance is gradually lessened until the point is reached when the subject is unable to tell if it is one or two points. Ten judgments are taken each time the distance is changed, which is usually 2 mm., and when two-thirds of these are incorrect, as where the subject says two when only one point is used, or where she feels one continuously when two are used, the result is verified. This is done by placing the points so close together that they feel like one, and are gradually moved apart until two are distinctly felt. To test the accuracy of the subject only one point is frequently pressed upon the skin. This difference between sensations of points close together and far apart is easily distinguished if an ordinary hair-pin is used, care being taken to press both points with the same force and avoid all sensation of pain. Averages in millimeters were : students, right forearm, 16 ; left, 16 ; white criminals, right, 24 ; left, 21 ; negroes, right, 28 ; left, 28. For negroes, the maximum was 42 mm., and the minimum 16 mm. General results indicated that the left forearm was more sensitive than the right.

In two instances among white criminals, subjects insisted they could not feel the points, even when pressed with some force. A feather or thread drawn lightly over the skin, when their eyes were closed produced no sensation. Both were anæmics.

This test is not accurate for criminals, because it is tedious, requires close attention, and produces fatigue easily. Tests which require the eyes closed are difficult because criminals depend so much upon these organs. In some instances the instrument induced fear at first and only by patient effort and illustration were they convinced that it would not injure them.

The second was for muscular sensibility. Small wooden

bottles filled with shot and varying in weight are given the subject, and by lifting them one in each hand she is required to distinguish which is the heavier. A standard bottle is always used. That is, one weighing 100 grams is given with one weighing 99, then with one weighing 98, etc., until the point is reached where the subject repeatedly asserts that the standard bottle is heavier. For students, differences could be discriminated at 8 gr.; and negroes 11 gr. Results for whites were not available. The best discrimination for negroes was a difference of 2 gr., and the most imperfect was 25 gr. There were many attempts at guess work, for negroes were especially anxious to have correct results.

Sensibility to pain was unsatisfactory, but results from large series of tests are available. This is taken with an algometer upon the temporal muscle. Although variations in size and strength of the muscle, due to exercise, are avoided, another difficulty is encountered, for fear is induced by pressure upon so tender a place. Although this led some to say there was pain before it occurred, the tests show differences which were not due to this. The algometer registers in grams the amount of pressure required to cause the least sensation of pain. The end is covered with felt, so that all feelings of coldness and hardness are removed. Where much pressure is required the sensibility is poor; where but little, it is acute. The subject is cautioned to speak when the least pain comes, and not to use resistance. The average for white students in grams was: right, 2018; left, 1922; for penitentiary inmates, right, 3199; left, 2039; for workhouse inmates, right, 3218; left, 3211; for negroes, right, 3072; left, 2932. Other measurements show the average for washerwomen, right, 3073; left, 2920; business women, right, 1405; left, 1350. The white criminal class compares fa-

vorably with washerwomen, and is probably of equal social and educational grade. Workhouse inmates were less sensitive, which fact probably finds some explanation in dissipated habits and hard life. The negro compares favorably with northern white criminals and with the laboring class. In almost all classes the left side was more sensitive than the right. This is true of many tests of different sides of the body.

The algometer is inadequate, for 13 per cent. of white criminals and 4 per cent. of negroes declared they could feel no pain at the maximum pressure. These records were thus placed at 4000+, and do not accurately represent the sensibility.

The fourth test consisted in ascertaining the subject's ability to distinguish between wools, cottons, velvets, satins, etc., by touching them. In wools the percentage of error was 33; in cottons, 60; in silks and velvets, 29. But few fabrics were named correctly, and often their use determined the class. Thus, where gingham was given, and they knew it was cotton and its use was given "for aprons," the accuracy was not doubted. There were a few instances where the hands of negro women were so hardened from work that they could not distinguish kinds or grades of materials. Full descriptions, as of weight, smoothness, roughness, softness of quality, use, etc., were required, so the difficulty of the name was removed. But occupations which affect the hands make the test untrustworthy for comparisons between different classes, unless its influence is carefully considered. Tests for touch need perfection in both concept and appliances.

Olfactory.—This is ascertained by the use of carefully graded solutions, as follows: Bay rum and camphor, each, 10, 100, 1000 and 10,000 per cent.; cloves, 1,000,000, 100,-

000, 10,000 and 1000 per cent. The mild solutions were given first and the series at random, for when made in order they are soon detected. Where the name was not known, if the use or association named was correct, the answer was accepted as such, as where cloves was called a "spice," but the name was unknown, or where bay rum was described as "sweet, and perfumery." The average error was: Students, 47 per cent.; white criminals (penitentiary), 72 per cent.; (workhouse), 77 per cent.; negro criminals, 56 per cent. Camphor was judged most correctly, bay rum second and cloves was most difficult. Some answers were amusing. Bay rum was called "rain water" and "beet water," and cloves "sour potatoes." One Irish dame was much disgusted at her deficiency. "Shure now, and I kin till water widout yer bottlin' it," she declared, while another showed signs of anger: "If there was odor there I'd know it, and yer ain't telling me different." Among negroes, camphor appeared in the guise of corn whiskey, cloves as ginger, bay rum as various flowers, and many vegetables, as apples, etc., were named. Where vivid associations were called up, names and uses were given more correctly, as cloves for toothache, camphor for headache, etc. The sense was sometimes specialized, as when they could not detect any odor in these strong solutions, but could tell a far weaker solution of alcohol.

It is asserted that criminals are allied to savage races, and hence have senses better developed and must rely more upon them in lieu of higher reasoning processes. The results indicate, however, that education and culture tend to develop higher sensibilities. Inquiries at hospitals confirmed this. Persons from inferior social and economic conditions are less sensitive to odors and require more drugs to produce an-

æsthesia. In many districts where they live, odors are such that they must become insensible to finer discriminations.

The olfactometer gives better results than the method used, in that it avoids use of names of odors.

Gustatory.—This is closely related to smell. Solutions of sweet, salt, bitter and sour were used as follows: 500 per cent. each of sweet, salt and bitter, and 500 per cent. and 1000 per cent. of sour. Three areas of the tongue were tested, end, and right and left sides. A drop was placed on the tongue with a brush and the tongue was not withdrawn until the judgment was formed. The average error was, end of tongue: students, 32 per cent.; white criminals, 34 per cent.; negroes, 33 per cent.; right side: students, 31 per cent.; white criminals, 43 per cent.; negroes, 41 per cent.; left side: students, 40 per cent.; white criminals, 33 per cent.; negroes, 40 per cent. The sensibility of the end of the tongue was most accurate and that of the left side least so. For students the end was more sensitive to bitter, sweet and sour, while for criminals it was more sensitive to salt. Bitter and salt contained the fewest errors, and fully 33 per cent. were made upon the 1000 per cent. solution of sour.

Marked defects were congenital or due to such causes as: excessive use of snuff, alcohol, tobacco, etc. Snuff is placed between the lower lip and teeth where the end of the tongue can rest against it constantly. Some younger workhouse inmates smoked an average of 5 boxes of cigarettes daily when finances permitted it. Catarrhal and other diseases in some instances affected both taste and smell. Foods affect taste. Teas and coffees used are very strong and foods are coarse and ill prepared.

White criminals of undoubted education and culture were separated. They included an actress from an excellent and

wealthy family, a daughter of a southern professor, and a newspaper reporter from a well-to-do family. The errors in taste and smell were markedly less and they were normal in sight and hearing. In one case there was evidence of dissipation but none showed neglect of person or prevalence of disease. All three could eat but a small part of the workhouse food, while the great majority made no complaint whatever. Habit should be considered in connection with the physical sensibility.

Further points of interest include: (1) In sight, smell and touch criminals appeared more defective; in taste there were but small differences, except among prostitutes; and in hearing they were superior. The facility with which they communicate with each other has long been the evidence adduced to show their superior hearing. (2) Negroes were often superior to white criminals and compared favorably with students in some tests. (3) Workhouse inmates in almost all tests were inferior to all other classes. Signs of deterioration appear to accompany immorality, dissipation, etc., more than criminality. When these conditions accompany criminality this fact can not be determined. (4) Environment and training throw light upon many defects, and sensory acuteness has a direct relation to these. Thus a child used to harsh corporal punishment feels neither pain or injury to his feelings as does one unused to it, and those accustomed to coarse food are not offended by it or by ill-preparation. (5) Defects in a few instances were sufficient to prevent successful functioning as in marked cases of deafness or defective vision, but in most instances these were acquired through criminal careers rather than causing them. No discouragement in attempts to educate and improve this class through these senses can be gleaned from these results.

Lombroso's and others' results are not comparable for in all instances the method used was not given or else differed so much that the records are not comparable.

Memory. — This is the first under mental tests. There are six series of numerals, each containing ten sets of figures. Each set in the first series consists of four figures, as 3851; the second of five, as 74,281; the third of six, and so on. Each series increases in length by one, the last containing nine numbers. Beginning with series one, numbers are read distinctly and the subject is required to write them as heard. She cannot write until each number is finished, as 7641. If she cannot write, she repeats them to the experimenter, who writes the answer. The series are given in order of increasing difficulty until the subject fails or makes three kinds of errors: omits, transposes, and substitutes figures. The series in which these occur represents her capacity. In order to prevent any efficiency that may come through use of numbers, as in bookkeeping, the test is repeated with letters, as x m p f, and so on. There is no change from the method used in numbers, only all vowels are omitted, and among figures the zero is not used.

These series are numbered I., which contains four figures or letters; II., five; III., six; IV., seven; V., eight, and VI., nine, and the average results presented in this form are, students, numerals, V., letters, IV.; white criminals, numerals, III., letters, II.; negroes, numerals, III., letters, III. In numerals, 7 per cent. of white criminals and 18 per cent. of negroes failed at series II., or below; and in letters, 31 per cent. of whites and 40 per cent. of negroes failed at this point. No students failed at series II. White criminals' averages are lowered by the difficulty with which they write, for in this effort they forget what has been read.

This does not apply to negroes for so many were illiterate that the investigator wrote the records. Negroes did not give up so easily as white criminals and were less impatient. The latter were more sensitive to failure and if they were not doing well much tact and encouragement were needed. Occasionally they threw down the pencil and said, "I'll do no more," "I'm a failure at that," "I've got no mind anyway." When the test was taken up later, this attitude disappeared.

Association of Ideas.—This is a simple test though somewhat long, and consists of three series, (1) *Free*, for the determination of rate, route, kind, continuity, complexity and other peculiarities of thought, (2) *Constrained*, for rate, for comparison with that of free association, (3) *Direct*, for predominance of various sense memories. In the first the words marriage, religion, habit, value, and mind are given, and work, and punishment added when any of these failed. In the second, subjects are requested to name all the birds and causes of fire which they knew. One minute is allowed for each word or topic. In free association any thoughts can be recorded; in constrained, only those upon the subjects named. The idea is represented by one word usually the most significant, and in this form :

Black,
cat,
dark,
night,
rain,
thunder,
fear.

Records are carefully analyzed at the close, the subject repeating her thought, and giving the process. Analyzed, the

above is: dog suggested a black cat being chased and cats howl when it's dark and at night; dark suggested rain and thunder and she feared both. In the third, direct stimulation is used. A color is shown for visual, a whistle blown for auditory, ammonia given for olfactory, quinine applied for gustatory, and a pin-prick administered for tactual stimuli. No words are used for the object is to secure the *relative* predominance of sense memories.

For the first series results in averages are:

Rate. — For students, the maximum number of ideas was, mind: 10.3; and the minimum, habit, 9; for penitentiary inmates, value, 7.6; and religion, 3.1; for workhouse inmates, habit, 4.8; religion, 3.4; for negroes, work, 8.7; and punishment, 7.4. The average rate for students upon all words was 10; for white criminals, 5.2; and for negroes, 7.6. Words which called up rich associations in the individual's experience had the highest rate. Mind and visual were most successful for students; marriage and habits for white criminals; and religion and work for negroes.

As between free and constrained associations, rate of students is greater in the former, and of criminals in the latter. Criminals prefer and think better on a definite subject while students prefer random thought. Names of birds exceed in number causes of fire, for the latter in all cases required more discrimination.

Differences in rate were due to: (1) Difficulty with which criminals write. The experimenter wrote the negroes' records and this explains somewhat the differences between white and negro criminals. (2) Deficient mental training of criminals prevents concentration, and causes broken associations. They are also restless under compulsory thought. (3) Criminals consciously or unconsciously eliminate thought to a greater extent than students and are less sincere.

Route.—There were three: (a) Reverting where each idea is connected with the original word, such as *value* of “jewelry, dresses, piano, hundred, groceries.” (b) Progressive, where each thought grows out of the preceding one, the idea of the original word being entirely lost, as: If had the *value* of a *boat* would *travel* and *go home* first and see my *friends* and be happy among old *associations*. (c) Mixed, where the original idea persists, then a new one is introduced, and later a return made to the original. As between students and criminals, the former show a larger percentage of progressive and mixed associations, while the latter, especially negroes, are of the reverting type. Students often wrote whole scenes or experiences as under habit: *psychology*, *Dr. M—*, who teaches it, don’t *like* him, so we *cut* and go to the *shanty* for *pie* and get *skirts* wet and need a *dressmaker*. White criminals more frequently named different habits as drinking, swearing, sleeping, etc. The italics in this and following illustrations indicate the words written by the subjects.

Differences in route were due to: (1) The criminals’ thought is less independent, they give less expression to experiences and appear to have fewer mental resources. (2) They are lacking in concentration and power of consecutive thought. (3) Their associations are more elementary, especially of negroes.

Kind and Continuity.—Associations are connected or broken. For students and well-educated criminals, the former is the type. Illustrations of these are: *Red* suggested a color seen in a rainbow one day while sitting on the *porch* with the *cat*; went from there to the *library* for a *book* and couldn’t find the *key*; *mother* had hid it. There is no break here, but compare the following: *Thunders*, then *rains*; (then she stopped a

few seconds—saw her dress and wrote) *dress, hand and house*, with no ascertainable connection. Then house started a new train of thought of a *girl* she used to go to a *store* with to buy *aprons*. Then thought failed and she wrote *tree*, an apparently disconnected thought. Idiocy, tendencies to feeble-mindedness or lack of attention due to other causes, are easily detected, and two subjects were found to be idiotic. Criminals' associations usually represent some personal experience, or are descriptive. Under habits they often gave their own, and under value their idea of desirable things. Students and educated criminals gave in addition results of knowledge. Some associated verbally or by rhyme as where thunder suggested lightning, as in slang, or where sad suggested mad. An illustration of associations by knowledge rather than active experience is: *Pin-prick, stab, Corelli's Vendetta, story of Crawford's, works of Bangs, Johnson's biography, its force and his ambition*. Although students were not more familiar with the tests than criminals, the latter would write out whole sentences or use such words as *of, the, it, etc.*, before the method was comprehended. Disentanglement of thought-processes was so new that they often expressed surprise or superstition regarding their own thought production. The fact that criminals kept the original idea more closely in mind seems to be a peculiarity of untrained minds, for all classes were carefully instructed not to confine their thought to the original topic, but to put down anything that came to them. That criminals followed these instructions was clear, for in some instances there appeared such words as "*end of that ; change subject ; bad thought ; try again ; run out.*"

Quality.—This was an important feature, for it expressed the things habitually in mind in the subject's own words. Under marriage, students gave thoughts gleaned

from friends, relatives, and books or their ideas of it. Criminals gave both thought and experience and no high ideals were revealed, while in numerous cases domestic infelicity came to view. Typical ones are, whites: "*Happiness, unhappiness, fighting, entertaining, traveling;*" negroes: "for love in Lord's house, spite comes out in it, and is *disagreeable*, but should *obey* and *respect* it." Many expressed happiness or the hope for it. Under religion students included more descriptive ideas, or referred more to form as, "church, history, bards, class, Christ, doctrines, creeds, cathedral, people, mother, rector, Luther, James II." "What kind, ethics, sleepy, ball, gowns, mother, S. P. [individual's name], dancing." Typical for white criminals is, "singing, praying, preaching, Christ, choir, organ." Negroes reveal more of the personal element, "*have* it, am *glad*, *keep* it, will be *good*, long *while*, has carried me *through*;" "house of *Lord*, *clothes* to go with, have *good times*, with *relatives*." Under habits, criminals nearly always enumerated them. For both negroes and whites the most typical were: "swearing, fighting, drinking, eating, snuff, bad, good, cursing, tell stories, low principles," etc. Less typical were such as: "strong, dangerous, industrious, bring prosperity, quiet ones;" or good habits as "good works, shun evil, believing, Catholic church, and mass." Students were such as: child biting its *thumb*, *driving*; *children* in a car, and in a *park* in C—; was an *accident*, due to *carelessness*, such habits are *bad*. Value and mind were difficult words for criminals, and showed inability to grasp abstract ideas. Some who were successful with others failed utterly here. Negroes almost invariably named such as, "dresses, jewelry, groceries, pianos, money, food, beer," etc., but occasionally ethical values were introduced as, "friends, truth, honesty, sympathy, liberty," etc. White

criminals at rare intervals introduced the value of educational or cultural objects. Typical of students are: Value, "of *Latin*, not good *teachers*, *cheating* with a pony, *study* hard, then go to the *hall* and *boating* in the park;" mind: "is in the *head*, this is related to *brain* and *skull*, some heads are *silly*, head and *heart* are related, *heart* and *circulation*, *blood* and *nerves*." White criminals rarely had more than three or four ideas, as mind: "*my own*, *crazy*, *not good*;" "too much *thought*, good *sense*, *clear*." Negroes failed so uniformly that work and punishment were substituted. Here kinds of work, almost exclusively manual, were named, harsh punishments were enumerated, or fear of them was expressed.

While associations depend upon moods and other conditions, they nevertheless fairly represent quality of thought. The mind under pressure works in channels to which it is most accustomed. Familiar habits were recalled first, rare experiences did not precede common ones, and value related to things they knew or desired. The value of an automobile might be mentioned by a student but scarcely by a plantation negro. To this extent the reflection is a true one.

In the last series, visual was most prominent in associative processes, and auditory second. The order of tactual, gustatory, and olfactory was not so clear. When a color was shown, names of colors, or other visual objects indicated the persistency of visual associations. When auditory associations persisted they were shown by such words as sound, pretty, loud, music; then music might suggest appearance of a band and all auditory ideas were lost. For tactual the first word following a pin-prick was usually "hurts," "feels like a knife, or razor, don't like it," etc., and then knife or razor would call up a picture or other memory sense. For

gustatory, where quinine solution was used, the first word was such as, "bad, bitter, nasty, strong." For olfactory, where ammonia was given, it was such as "strong, sharp, pungent," etc. In all except visual the memory sense stimulated rarely persisted for more than two or three ideas, but might be called up later. In some instances it was not called up at all, as when whistle suggested its color, or police, and then followed scenes of arrest, etc., or when ammonia called up its use for washing; or quinine suggested diseases. Sometimes these associations were complicated. A visual stimulation might be followed by an affective sensation as of like or dislike or by a verbal association. These rendered analysis difficult. The relative predominance of memory sense seems to be approximately the same for all classes.

In general, associations of criminals and students differ in that the former were inferior in rate, were more disconnected and elementary, had a narrower range, were more numerous under a definite subject, and quality of thought reflected a lower moral, intellectual, and social grade. Criminals repeated the same idea more than students as where digging occurred twice under work and bad under habits.

Qualities.—This is not psychological in method. This and the color preference test are of suggestive value rather than productive of scientifically ascertained results. The list comprises principle, honor, truth, justice, right, ambition, courage, love, pride, purity, nobility, sympathy, friendship, virtue, sincerity and patience. From this each subject selects five which she wishes to possess for herself or friends. For students, sincerity, honor, principle, truth, sympathy, friendship and purity led in the order given. For white criminals, honor and principle were first by large majorities, and purity, love, justice and ambition ranked next. Friendship,

sincerity and sympathy were far down in the list. In friendship they expressed little faith; sympathy was not spontaneous because of hard, cynical beliefs, and they thought sincerity did not pay. For negroes the test was a failure, but this was most significant. Some words held no meaning for them, and they could not comprehend them even with the most patient explanation. Love, friendship, truth, sympathy and sincerity they understood; for purity there was only the religious, not the personal concept; principle and honor were recognized in only a few instances, and justice had no meaning, except in relation to crime and punishment, for they could only dimly apply it in their relations to one another. There were exceptions, but the understanding in most cases was so deficient that results can only be used to demonstrate it.

Color Preference. — The subject makes a first and second choice of those best liked from twenty-one different colors of silk which are arranged on cardboard. For students the first choice was red and the second blue; for white criminals, the first was blue and the second pink; for negroes, the first was purple and the second heliotrope and dark blue. The object was to determine if criminal classes wore bright colors because they had a taste for them. For white criminals this does not appear true. Some explanations for variations between taste and habit are: Brighter colors attract more attention and this is essential for prostitutes. Brighter fabrics and mixed colors are cheaper than solid blacks, grays, etc., for cheapness and show often go together. Prostitutes of the lower grades wear much cast off clothing and here no choice is exerted. Colors or styles in vogue among associates often determine what is worn. Lack of instruction in adaptation of colors and styles to the individual is important, for what is

termed good taste depends upon this quite as much as upon "natural aptitude." For negroes, choice of color was almost uniform, for purple and its shades were almost invariably chosen. A child-like pleasure was shown in making selections from the bright fabrics, even by most hardened criminals. Explanation for their choice lies more in desire for contrast and ornament, than in economic conditions, although as a matter of fact, they, too, cannot afford shades which represent their choice.

Fatigue. — This is the first in the psycho-physical group. These are, perhaps, familiar to many, by reason of their use in public school measurements. The method used here is simple. An ordinary pair of scales is suspended from a standard and the subject places her first finger upon the hook, the hand and arm resting upon the table. At a given signal she pulls as hard as she can, and then holds the hook as steadily as possible at that point for half a minute. The decrease from the maximum pull shows the rate of fatigue. Average decrease for students was 1.6 lbs.; for white criminals and negroes 2.4 lbs. In strength of pull, criminals especially penitentiary inmates among whites and negroes, exceeded students. 1 per cent. of white criminals and 20 per cent. of negroes had pulls above 10 lbs., while no students reached that point. The decrease was in no case less than 1 lb., and in a few instances there was a total collapse before the time expired. Criminals seemed to exhaust themselves in a burst of energy at the first pull and thus gave a high registration, but they were unable to maintain it. Both classes were instructed to pull slowly and steadily, but mental and physical efforts of untrained persons seemed more spasmodic than systematic.

Coördination. — In card assortment the subject is required to assort thirty-two cards into four boxes of equal size.

Upon these are pasted small round disks, eight each of blue, red, yellow and green. She is requested to throw the blue into one box, the red into another, and so on. This is done as rapidly as possible, and time and errors carefully noted. First there must be discrimination between colors, and then the hand must execute the judgment. When this is done, cards, upon which are drawn eight each of squares, circles, triangles and pentagons, are sorted in the same way. Results were: *Colors*: Time, average for students, 26 sec.; for negroes, 54.6 sec.; errors: students, 20 per cent.; negroes, 30 per cent. Maximum and minimum time: Students, 29 and 22 secs.; negroes, 90 and 24 secs. *Forms*: Time, average, students, 31 sec.; negroes, 60.3 sec. Errors: Students, 16 per cent.; negroes, 28 per cent. Maximum and minimum time: Students, 40 and 23 sec.; negroes, 150 and 23 sec. Maximum errors: Students, 2; negroes, 12. Averages of errors are for the number of persons making them. Results for white criminals are not available. In nearly all cases where errors were made, there was defective vision or the subjects were illiterate.

The precision test gives some idea of the coördination of eye and hand. A target seven inches in diameter is hung upon the wall, and the subject is requested to strike the center circle which is three-fourths of an inch in diameter. The pencil is swung with a continuous free arm movement from the shoulder at regular intervals of time, so that number and rate are similar for all subjects. Students and white criminals were more accurate than negroes, 13 per cent. of students and 45 per cent. of negroes struck outside the inner circle. A few records were taken with the eyes closed. Here the inner circle was not touched and several marks were not to be found on the sheet. Range for normals and criminals seemed the

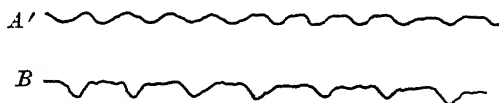
same, for individuals of one class did as well or as badly as those of others.

Respiration.—The kymograph registers in curves upon smoked paper the respiration of the individual, and shows any changes which occur. It is secured in this way: A small hollow cylinder having ends covered with rubber, to which are attached threads, is fastened to the chest. The threads are fastened about the body, so that the expansion of the chest pulls the threads and the ends of the respirator or cylinder outward. There is a drum covered with smoked paper, which is fastened to a standard, the base of which contains a clock-work which causes it to revolve slowly. The subject and this drum are connected by air-tight tubing which fits to an attachment called a tambour. This has an air-tight compartment fitted with rubber, which is attached to a pointer resting against the smoked paper. When the subject breathes, the air is forced down or back the tube. This moves the pointer down or up. In regular breathing, the rubber ends of the cylinder are forced in or out by the pull on the threads, and this gives the curve. Each down-



ward line represents the inhalation and each upward line the exhalation, so each segment is equal to one breath. This is the normal breathing—that is, so long as there are no disturbing influences the curve remains even. Any strong emotion influences the rate and amplitude. The problem was: Can these emotions be induced, under sufficiently normal conditions, so they can be measured through the degree of reaction. Tests were devised for the olfactory, gustatory and tactual senses, and for surprise, anger, hatred, love, vanity, joy, interest, and modesty. Reading aloud was also regis-

tered and quite accidentally records were secured of laughter, crying, sighs, coughing, etc.



A' and *B* represent two typical normal curves. The normal curves of individuals vary. Some are deep and wide, others are less marked. When a stimulus is given, if the subject responds, there is a change in both regularity and depth. The degree of change from the normal represents the amount of susceptibility. In noting the changes which illustrate the various responses to emotions, they should be compared with these normal lines.

These tests are made as follows :

The first emotion (*C*) is surprise. Each sheet of smoked



paper holds from six to eight curves, each of which is about two feet long. While the second curve is being taken in the normal way, a large wooden block is dropped on the floor beside the subject, or a hammer is struck on the table. This noise, coming so sharply in a quiet room, does not fail to produce surprise. Sometimes the change is violent, sometimes scarcely perceptible. As the conditions under which tests are given are always the same, these are individual differences, which is precisely the fact sought.

The second stimulus (*D*) is pain. This is not given until



there is complete recovery from surprise, *i. e.*, until the curve has resumed its evenness. The subject's neck is pricked with

a sharp needle. The result is usually a sharp depression or elevation. It is a more instantaneous reaction than in surprise, because the stimulus is applied directly to the skin, and produces a sensation inducing fear. The subject's thought when the curve represented in the illustration was made was, "Oh, Lord!" showing a genuine reaction in both feeling and thought.

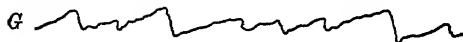
One is taken while the subject is reading to herself (*E*). This is given for two purposes. Thought is removed from self and surroundings, and interest is aroused. The reading matter given is the same for all subjects, and is selected so as to avoid being prosy or exciting too much interest. It is

E 

also given to prevent fatigue. Here the curve is less deep and broad (*E*). When the brain is actively engaged there is the tendency to reduce both volume and rate. Often when persons are reading to themselves they unconsciously move the lips (*F*).

F 

There is much difference in the way in which trained and untrained persons read aloud. *G* shows the reading of a

G 

H 

well-educated, and *H* that of an uneducated person. Trained readers breathe more regularly, reading is even and definite pauses are made. Uneducated persons hesitate, repeat and stumble over words, the breath is caught hurriedly and the effect is an irregular line. When the subjects were illiterate,

they repeated the Lord's Prayer. Some resulted in the even curve, as in *G*, while others were hurried or broken by irregular breathing. *I* is fairly representative of this result.

I 

The next test is to ascertain the effect of odors. Perfume was used for the pleasant, and strong camphor or ammonia for the unpleasant odor. Open bottles containing these were held before the subject for a few seconds. *J* shows the result for

J 

K 

perfume and *K* for camphor. Perfume is a pleasant odor, and while it was held before the subject she continued to inhale, not desiring to lose any. But camphor, which was undesirable, shows more exhalation. In some instances the breath was held as long as possible to avoid the odor, and an almost straight line resulted.

All of these stimuli have been direct, no suggestion has come from the experimenter except through acts. There is a series which thus far has been given by suggestion, because no reliable methods of direct stimulation have been evolved. These are for hate, love, joy and modesty. When stimuli are given in this way it is not possible to secure such reliable results. For hate, they are abruptly asked to think of some one they hate, and for love, some one they love, *i. e.*, the persons they have the most feeling for or against. The results are shown in *L* and *M*. In the former the breath is held, as

L 

M 

is often true when the emotion is an intense and absorbing one. In the latter the subject thought of her child and mother, and the result was a deep sigh afterward. The stimulus for joy is given criminals by asking them to think how much they desired to be released and what good times they would have. This never failed to produce the consciousness of the desire. For students this is more difficult to secure, for there is no one thing which they uniformly desire. A typical reaction to this stimulus is shown in *N*.

N ~~~~~

The test for modesty is given by suggesting that they think how they would feel and what the result would be if they were sent through the streets in a nude condition. It is a narrow test, inasmuch as it relates to clothing alone, but among lower classes this form is most prominent. This result can be better secured through pictures. *O* represents the change induced by this suggestion.

O ~~~~~

Vanity and fear are secured through direct stimulation. For vanity the subject is given a mirror, and requested to look at herself. Some of the thoughts which accompanied this have been given as follows: "I stand before a glass and primp at home, and need it now"; "I am so ugly, and am getting old"; "Wonder why I look so dark"; "Would look better fixed up." So real has been the thought that they would often start to arrange their hair or brush their faces, although they were under strict injunctions not to move. *P* represents the change accompanying the thought, "How ugly I look!"

P 

Fear is secured by pressing a cold steel tube against the temple with the assurance that it is an electric battery. The fear of injury is strong, and this rarely fails. Two distinct variations in results are secured. Some subjects, through apprehension, hold their breath and produce more of a straight line (Q), while others become nervous (R). The depressions

Q 

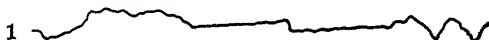
R 

at the end of Q were due to the sense of relief when the instrument was removed.

That these emotions were genuine was shown by their corresponding thought, which the subjects often gave unhesitatingly. Sometimes they named the persons whom they hated or loved or thought of where they would go and what they would do when released; under modesty they declared they "would not go"; they "would not like it"; "others would think them crazy"; and they "would be ashamed."

Aside from these there were often unexpected results. Thus, one warm afternoon some time had been spent adjusting the instrument, and the subject went to sleep. Several curves were taken while she slept. These were valuable because they cannot be secured by direct stimulation or suggestion. This curve is very even, and has but small amplitude.

No. 1 represents the registration of a laugh which occurred naturally in the course of a test and No. 2 a cough.

1 



These were quite unconscious, and the subject was much amazed when the result was shown her. No. 3 represents a



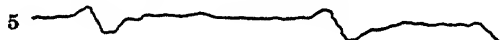
crying curve, secured when the subject was asked to think about her imprisonment and its disgrace. She was unaware that it would affect the curve.

Without any stimuli some good results were obtained. When a marked change occurred the thought was asked for.

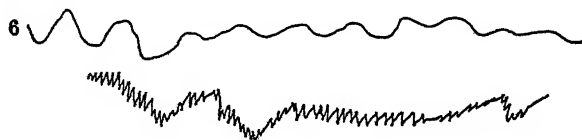
No. 4 represents the curve of a subject who was nervous



and apprehensive. No. 5 shows anger against the judge who imprisoned her. When asked her thoughts she said: "Think! well, if I had that judge here I'd wring his neck."



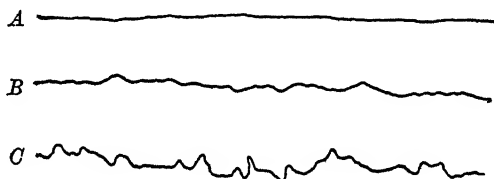
In connection with this apparatus it is satisfactory to use a plethysmograph which registers changes in circulation of the blood. This flow is accelerated or depressed by emotions. Both instruments can be used together and a double record obtained (6).



An attempt was made to secure the respiration while a letter was being written. This could not be arranged satis-

factorily without the movement of writing pulling the respirator. It works successfully, however, with the plethysmograph and a true registration of the accompanying thought is obtained.

Tremor.—There is one further use of the kymograph which has given excellent results. The instrument is placed horizontal and the subject is required to hold at arm's length a quill or camel's hair brush upon the paper, and as it revolves, draw as straight and steady a line as possible. *A* represents no tremor, *B* medium and *C* excessive.



There is also a wide field for the use of this instrument in ascertaining effects of alcohol, narcotics, diseases, etc.

So far as results reveal any tendencies, responses to these stimuli were greater for white criminals, students second, and negroes third. All phases of emotional expression appear more pronounced among white criminals, particularly work-house inmates. In language, gestures, and physical manifestations, this was clearly discernible. Negroes were more stolid, and it was more difficult to set up the emotion desired. Where stimuli were direct, as in surprise, pain, fear, odors, etc., the response was greater. It was more difficult to arouse them through intellectual or spiritual channels, except in release from prison. This was true partly because they were always alert against danger and the attitude was constantly defensive. On one occasion when the stimulus for surprise was given the subject was placidly reading. Her reaction

was so great that she started out of the chair, disconnecting the tubing. In a menacing voice, accompanied by a doubled up fist she said, "Don't you know any better than to scare me when I'm so nervous and unstrung? I'll show you." The cool assurance that "accidents will happen in a laboratory" and the command to sit down reassured her, but at the close of the experiment when the names of the stimuli were written above the changes and surprise was put over the large break and it was explained, she said: "'Twas a mighty good thing for you, you said that was an accident."

In tests for tremor, negroes were fairly steady, and students more so than white criminals. Those for workhouse inmates were markedly crooked. The left hand was less steady than the right. This may be used as one means of ascertaining left-handedness for variations between right and left were quite marked.

The possibilities for the use of the kymograph are promising, if stimuli can be found which will set up in every individual the emotion desired, as the pin-prick does the sense of pain. The tests are most valuable where they can be often repeated, so that moods and conditions are more representative.

Only reaction-time to sound was taken, and for criminals group tests were made, so results are not comparable. No portable apparatus is satisfactory.

In a general way in psycho-physical tests: in coördination, criminals tend to inferiority; endurance is less sustained, and negroes display less and white criminals more capacity than students in emotional reactions. Whether these differences are due to limited capacity, lack of training, or to unfavorable environmental factors, psychology cannot determine. Certainly psychology shows that criminals are not equipped for functioning so successfully in response to outward forces as are those of more accurate perceptions and judgments.

CHAPTER V.

SOCIOLOGICAL DATA.

THE social data for white and negro criminals included a variety of subjects, and more complete schedules were adopted for negroes as the result of earlier investigations among whites. This material was obtained from institution records, and from the criminals measured and observed. It was impossible to verify the records, but admissions of criminals were substantiated in three ways: by testimony of officers under whose charge they were; by character and statements of their associates, and by visits to their homes, and to districts which they frequented when at liberty.

Records were of but little avail, for few details were given. Institutions make little or no use of social facts and have gathered only such as are essential to the classification of inmates. The records show such as: nature of crime, conjugal conditions, occupation, age, education and religion. Some institutions, notably those of a reformatory nature, have added others, as conditions of home life, mental qualifications, moral sense, habits, and hereditary influences.

The results presented were obtained from careful observation and interrogation of a small body of criminals, and from interviews with larger numbers. Wherever comparable with institution records, both are given, so that they are fairly representative of existing conditions.

These results are divided into four classes: Influences of childhood, of adult life, conjugal conditions, and general considerations. Under the first are grouped: Nativity, diseases,

education, ethical, home surroundings, amusements, and occupation; under the second, education, occupation, amusements, habits, diseases, accidents, temptations, etc.; under the third, the most significant facts of conjugal relations; and under the fourth, such as religion, superstitions, fears, hereditary influences, wishes, letters, sketches, etc.

The results for the first group, under the various divisions are :

Nativity.—For whites, this varies so much with locality that results are inaccurate. In Cincinnati, for instance, the population is predominately German, and there is a corresponding increase of criminals of this nationality, and the same is true of the Irish in New York City. The United States census, which give results for the whole country, removes these *sectional* errors. Interstate migration of criminals is quite common.

For negroes it was difficult to secure pure types even in the black belt for white and Indian blood are freely intermingled. There is a low percentage of interstate migration and a large number had never been out of their own town or county. An amusing ignorance of places and distances was shown. There appears to be no problem of migration of negro criminals, and there are few tramps. Habit, financial and transportation difficulties partly explain this.

Education.—For whites, the most capable in prison populations were selected for the tests and from this number results show that about 45 per cent. left school before the fifth grade was reached, and the same percentage attained to the eighth grade. Two claimed they were graduates of seminaries, four of convents, two had attended the high school, and two were illiterate. Investigation indicated that the

education must have been inferior to that claimed, for some of them could barely read and write, and had scarcely the amount of concentration required for the tests. Prison records show that out of the number of women incarcerated, 40 per cent. claimed common school education, 10 per cent. could read and write, 20 per cent. were "limited," and 10 per cent. attended convents. But these percentages are misleading. Special investigation revealed the fact that "common school" meant anything the criminal had in mind; "read and write" covered mere ability to form letters and not necessarily spelling; and "limited" was frequently the equivalent of illiterate. Frequently they did not know how long they had attended school or what had been studied. At Blackwell's Island workhouse, out of 350 women it was difficult to secure 25 who had sufficient mental training for all the tests, and yet, as is shown elsewhere, these have been made successfully upon children between the ages of 8 and 14. Institution records show that good education ranges between 8 and 15 per cent., and owing to deceptions and the loose term this is an over-statement.

With reference to negroes about 25 per cent. were illiterate. 30 per cent. had attended country schools for an average of 3.4 years of about 3 school months each, and 45 per cent. had attended city schools for an average of 5 years of longer periods than in the country. As with whites, the most capable were selected and from more than 400 women in southern prisons 25 per cent. of illiterates had to be taken. In quality and regularity of education there is no comparison possible between whites and negroes. Many negroes left school at an early age and gave such reasons as "work, married, moved away, epilepsy, illness, ran away from home, got tired, didn't like school."

Further evidence of educational influences among negroes was revealed through the reading. 45 per cent. had read only the Bible, and 30 per cent. nothing whatever. With the remainder, novels were most popular and Sunday-school books and study books were prominent; juvenile and history had only 6 readers each, newspapers 6, religious papers 5, dime novels 3, poems 2, and magazines 1. Thus, three-fourths had no knowledge of any literature except the Bible, and only one was familiar with a magazine. The nature of the books read shows still further the limitations under which the race is laboring. Biographies were those of Washington and Lincoln; histories, that of the United States; Jesse James and Diamond Dick were the popular dime novels; Mrs. Holmes and Augusta Evans were the favorite novelists; and Mother Goose and Peck's Bad Boy represented juvenile reading. The Bible was preferred in most cases and novels ranked second. As there was often no other literature with which to compare the Bible, and many of them named it from a sense of duty, not much reliance can be placed on the reading which was most interesting to them.

For negroes, education of parents revealed something of the influences within the family. Of fathers, 45 per cent. were illiterate, 40 per cent. had some education, and 15 per cent. were unknown. Of mothers, 60 per cent. were illiterate, 30 per cent. had some education, and 10 per cent. were unknown. With these facts in mind, it can hardly be asserted that education does not decrease crime, for it has scarcely been given a fair trial. Although institutions like Tuskegee are graduating numerous students, they are not found in southern penal institutions, and wardens testify that: "Once in a great while we get one, but they are mostly preachers."

Occupation. — For whites it was possible to ascertain occupations for only 65 per cent. Of fathers 35 per cent. were skilled laborers, such as carpenters, coopers, mechanics, etc., 40 per cent. were unskilled laborers, and the remainder consisted of merchants, brewers, grocers, agents, and teachers. The laboring class, dependent upon small salaries, and irregular work, was best represented. The occupations of mothers were obtainable in but few instances, and conform to the above statement.

Occupations for parents of negroes were: farmers, 30 per cent.; carpenters, 10 per cent.; and the remainder included such as coachmen, plasterers, laborers, janitors, servants, boatmen, watchmen, factory and railway employees. Occupations for mothers were not obtainable. Here are represented the same conditions as among whites.

Size of Families. — This is important in connection with the probable wage rate and kind of labor. For whites the average number of children in families from which criminals came, was five, ranging from 1 to 15. For negroes the average was 8, ranging from 1 to 27. With limited incomes and few resources, the opportunities during childhood must have been in proportion to the number of children, and they were often required to enter labor ranks at an early age.

Death of Parents. — The preceding statement is based upon the assumption that both parents were living. But the facts show that for whites 50 per cent. of fathers, and 55 per cent. of mothers were dead. For about 33 per cent. both parents were dead. The age of criminals at the death of parents was not secured and the probable influence of this condition can not be estimated. This oversight was corrected in the investigations among negroes. It is wisely estimated that girls need parental care until at least fifteen

years of age. Before that age nearly 33 per cent. had lost fathers, the same number mothers, and not quite 10 per cent. both parents. This means that these subjects had stepfathers or stepmothers, that they were sent out to support themselves or their small brothers and sisters, or that they were given to southern whites or to relatives. The average age upon leaving home was 13 years.

Data for negroes alone included the following :

Moral Teaching. — Right and wrong were taught through punishment rather than persuasion, and in most instances right was distinguished from wrong only in more apparent evils, as fighting, stealing, dipping snuff, lying, wanting others' things, card-playing, dancing and drinking. Minor deceits and faults seemed to escape correction. Evidence of persuasion alone is shown in less than 10 per cent. of cases. The punishments in order of prominence of use were whipping, sent to bed without food, dark room, locked up, slapped or cuffed, kneeling on broken bits of brick or cracked corn, head tied in sack, no food or water, frightened, silence, arms tied up, clothes tied over the head and deprivation of desirable things. In variety, negroes' punishments were not lacking, but in certainty the contrary was true. Punishments were administered spasmodically, unsystematically and often unsympathetically. The certainty and degree depended quite as much on anger of parents, degree of fear, and shock sustained by them as upon the nature of the act. Explanation for the punishment of and reasoning with the child appeared to be of rare occurrence.

Games. — The first characteristic was, that these were largely out of doors, and the second, that they were of a social nature. This indicates that while outdoor games are physically more healthful the freedom from supervision makes

possible the acquirement of bad habits and the formation of doubtful associates. There was no direction or purpose in the play and whatever was learned of patience, self-control, tolerance, unselfishness and the like, they taught each other. Games played were, in order of popularity: dolls, hide and seek, ball, jump the rope, see-saw, jackstones, marbles, ring-games, croquet, sewing, craps, poison, cards, hide-switches, housekeeping, running games, mumbletepeg, kites, hockey, leap-frog, and hoop. There were but few toys. Hide-switches and poison are games peculiar to the south. In the former a switch is hidden and the finder has the privilege of administering it upon the one who concealed it, or *vice versa*, if it is not found. In the latter, make-believe poison is concealed in the ground and the others run about and try to avoid the spot, which is unknown to them; "poison" is called as it is touched and the first one falls down as though dead and is then "it" for a new game.

Religion. — This training was so unsystematic and doubtful that small reliance can be placed upon its influence. With a few exceptions all of them attended Sunday-school, some for a few weeks, others regularly and 95 per cent. of parents were church attendants.

Habits of Parents. — These were secured with difficulty for in many instances they were unknown. For fathers, over 60 per cent. smoked or used tobacco in some form, 22 per cent. used alcohol and for 33 per cent. they could not be ascertained. For mothers, 33 per cent. used tobacco and 33 per cent. snuff. Relatives of 25 per cent. used alcohol, and epilepsy was not uncommon. Morphine was seldom used and cocaine not at all.

A brief summary of the influences during childhood show: That education is not of the kind or degree to pre-

vent criminality, for educational influences in the homes are not only neglected, but are impossible because of limited education and opportunities of parents; that opportunities for reading, especially among negroes, are so limited that they are cut off from a vast source of useful and helpful knowledge; occupations of parents are uncertain in tenure and command small wages; number of children restricts each child's opportunities; many children are without parental care at an early age; moral teaching is crude and punishments are harsh; games have no supervision, and habits of parents are not favorable to healthy child-development. These conditions exist among non-criminal classes, but wherever found they favor rather than prevent criminal acts. A significant fact in the environment of child life was that the influence of mothers was so often not superior to that of fathers. This is especially true of negroes and is a fact of great importance.

The second group relates to adults.

Occupations.—For whites, these do not vary widely. Fully 70 per cent. were domestics and laundresses, and cooks, dressmakers, hotel employees and housekeepers constituted the remainder. Occasionally a clerk, nurse, actress, or factory employee was included. In 1899, of 1451 inmates at Blackwell's Island Workhouse, 89 per cent. were domestics and 8 per cent. were housekeepers. This means that these inmates were dependent upon themselves and had no other trade. These occupations have peculiar temptations and the step into immorality, intemperance and crime is not difficult, especially in cities. Furthermore, when prostitutes fail in their calling, they drift back into this occupation and the standard of the domestic class is lowered. Notwithstanding the majority claimed occupations, the degree of

industriousness was not great. Fifty per cent. of the subjects admitted idleness at the time the crime was committed and nearly 33 per cent. were in non-productive employment, such as prostitution. The records show, and matrons familiar with old offenders state, that more than 50 per cent. do not follow their callings and by reason of their habits cannot retain positions when they are obtained. In some instances it is difficult to secure work.

For negroes, all except 6 per cent. claimed an occupation. 25 per cent. were nurses, 20 per cent. servants, 12 per cent. field hands, 10 per cent. each of laundresses and dress-makers, and the remainder consisted of factory and dining-room employees. Only one-half of the dressmakers followed their occupations and the reasons given were that remuneration was small and positions difficult to secure. Negroes appeared more inclined to follow their trades and less disposed to adopt prostitution as an exclusive calling. Another explanation may be, that in smaller communities of the south this is not so remunerative as in northern cities. The average age at which negroes began work was 12.5 years, the minimum being 6 years at which time some became nurses. For their services while under 10 years of age no wages were paid. The average wage for all occupations, as shown by these criminals, is less than that paid to whites and negroes in similar occupations in the north. But the cost of living is less and may be adequate to bare needs.

Associates. — For whites, so far as they were ascertainable, they were not good, especially among workhouse inmates. The percentage of bad associates among penitentiary inmates was less, but their replies were not trustworthy. Visiting day, which occurs once each month at the large workhouse at Blackwell's Island, gave an excellent oppor-

tunity for verification of these statements. On such days all inmates who have callers are turned into one large room, and here they visit with friends and relatives. Sometimes there are more than 200 or 300 visiting together in groups of two or three, all regardless of each other, so eager are they to tell and receive messages and news, during the short two hours allowed. Mingling with these groups one finds many evidences of intemperance, immorality and degradation in the associates and learns much of surroundings from which they come. Another proof of the kind of associates was shown by the fact that inmates came quite regularly from certain well-defined districts, which are recognized as crime centers. One day a stranger, who was a woman of fairly good character and had been committed for her first offense, appeared at the workhouse. A number gathered about her and inspected and jerrred at her: "Why, where you from;" "Ain't you here by mistake;" "Wese don't know ye, do wese;" "Have ye jined our ranks," etc., showing that newcomers are rarely unknown. Penitentiary inmates come from different parts of the state and are not so homogeneous.

For negroes, over 50 per cent. admitted that their associates were not good and in other cases it was possible to trace influences so that the percentage accurately known reached 70. Inmates of city prisons were from much the same districts and in the penitentiaries there was the same lack of homogeneity, some being from rural districts and others from different urban populations. It is interesting to note in both northern and southern workhouses how soon populations amalgamate and seem to have common interests. It is thus clear that criminal classes, in cities at least, come from similar grades of social and economic environment, and possess much the same experience, habits and tendencies.

Habits. — These are important in a social study, and the results indicate to what a surprising degree the criminals were truthful. In the north workhouse inmates possessed less self-respect and were more indifferent to the effect of their replies, while penitentiary inmates were much more deceptive. The latter were even inclined to become angry at questions, but workhouse inmates answered in such phrases as: "O, my yes"; "of course"; "like a trooper" (swearing), and "sure." One woman admitted five bad habits and to each question gave the demure reply: "yeth." In direct contrast was a penitentiary inmate who admitted no bad habits, and when asked about immorality replied in a most sanctimonious way, "Oh, no, I seldom even have any bad thoughts." Among workhouse inmates admitted habits were: alcohol, 90 per cent.; tobacco, 50 per cent.; swearing, 50 per cent.; snuff, 50 per cent., and immorality, 90 per cent. The number who admitted use of snuff was too small, and some institutions permitted it as a substitute for alcohol. One matron said good discipline was impossible when it was denied, for the women became irritable and unruly. In other institutions attempts were made to keep it out but it was easily smuggled in. The short periods for which women are sent to workhouses make attempts at reformation impossible.

In penitentiaries admitted habits were: tobacco, 30 per cent.; alcohol, 40 per cent., and snuff, 10 per cent. For immorality, facts were unobtainable except from prison physicians and their estimate was 75 per cent. In reformatories for girls, where careful examinations were made upon arrival of inmates, the estimate was 60 per cent., and as some of these were under the age of 10 they could scarcely have been included in making up an average. The inevitable

conclusion is, that immorality accompanies criminality among whites and that other deteriorating habits exist, though in a less degree.

For negroes, admitted habits were: tobacco, 70 per cent.; alcohol, 30 per cent.; snuff, 40 per cent.; immorality, 56 per cent. Visits to habitats and statements of officers raised the percentage to 95 for immorality. Indeed in some instances it was difficult to make them understand what constituted immorality. Some ways in which these habits were formed were: "in prison," "taught by relatives," "saw others," "illness," "grief," "bad example," "bad company," "headstrong," "own desire," "always had them." Tobacco was furnished all convicts and the habit was formed by many in this way. Women sometimes gave their share to male convicts in exchange for snuff or small favors.

Recidivism. — These data are the most inaccurate in the series. In the north, except in workhouses where they were well known, the women would not admit previous arrests. Penitentiary records were more accurate than the data gathered and show about 50 per cent. of recidivism. Previous charges were frequently misdemeanors. The route to the penitentiary in many cases was by way of the workhouse but this is not necessarily true, for some are never guilty of intemperance, disorders, and petty thefts. Workhouses contained a large percentage of recidivists. One individual had been received 37 times and from two to ten times were common occurrences. There is caste among female, as well as male, prisoners. The penitentiary inmate is high caste, presumably because her crimes require more skill and daring and are for higher stakes. They always speak contemptuously and slightly of workhouse residents, and the latter regard them as snobs. This élite class

generally consider the workhouse habitué as "degenerate," and "below grade."

No records are kept for negroes and there are no systems of identification. Only 15 per cent. of those measured admitted previous arrests. Previous crimes consisted mostly of short sentences in workhouses. Many of them had received severe penalties and were sent from rural districts, so that commissions of numerous crimes were not possible. Offenders against person admitted their crimes more readily for these were considered more honorable. There was nothing heroic or praiseworthy in thefts, but they boasted of a "cutting" or a murder.

The following facts in this group were obtained only for negroes :

Amusements.—These were divided into miscellaneous recreations, drama, music and art. Under each one the subject was asked to name two preferences, with these results: Recreations: Church festivals, 45 per cent.; picnics, 22 per cent., shows and excursions, 16 per cent. each; fairs, 12 per cent. Drama they divided into "funny parts" or "sad parts," and they preferred the first. With much patient care, a more detailed choice was secured. 57 per cent. had seen no plays whatever; minstrels, 10 per cent., and circuses, 5 per cent. The plays were such as "Ten Nights in a Bar-room," "Monte Cristo," "Devil's Auction," and "The White Slave." In music, preferences were: Church music, 72 per cent.; instrumental, 40 per cent.; band, 25 per cent.; love songs, 16 per cent.; string instruments, 12 per cent. Church music filled so large a place because it was often the only music known. In art, 35 per cent. preferred pictures like photographs, crayons and picture cards; biblical pictures, 31 per cent., and paintings, 20 per cent.

The remainder preferred pictures of nature, people and buildings, decorations and wax and hair pictures. Art meant "pretty things," as bright colors, varied designs, household decorations, etc. They showed a fondness for this art, as bits of pictures and trinkets were carefully preserved in their cells, but the taste is wholly uneducated. Most homes were devoid of decorations and pictures, except in districts invaded by unscrupulous agents, who had reaped rich harvests from their sales of cheap pictures. All of these offer a valuable field for the cultivation of social and moral ideals.

Temptations.—These again, were unsatisfactory. It was almost impossible to make them understand that a temptation was such even when they did not yield. For this reason the admitted temptations were such as appeared in their habits—immorality, alcohol, etc. Here again the importance of small temptations was not comprehended.

Diseases and Accidents.—These throw some light upon physical and social conditions. Measles, whooping-cough, mumps and chicken-pox were prevalent among children. Diseases of adults were fevers, 80 per cent. ; neuralgia and rheumatism, 58 per cent. ; and pneumonia and lung troubles, 30 per cent. The remainder were grippe, yellow fever, epilepsy, scrofula, and small-pox. Pneumonia, neuralgia, and rheumatism were often due to conditions under which they lived in prison. Yellow fever, small-pox, and other virulent diseases were so often fatal that percentages were small. Southern prison records show the mortality from consumption, pneumonia, and diarrhoea to be great. Nearly 40 per cent. die from consumption alone. In states where labor is leased to mines and where men are kept in camps, the rate of mortality is greater. This fact has been most influential in obtaining a change in the system.

For accidents results were : 83 per cent. had marks or admitted injuries, such as cuts, bruises, broken bones, shot, injuries through falls, dislocations, bites, stabs, and sprains. Most of these were received in fights and a small percentage were due to punishments in prison.

Adult conditions are in consonance with those of childhood. Occupations were largely those of laborers, and industriousness was not a strong feature ; associates and habits were such that tendencies of early life were strengthened and amusements and temptations reveal limitations which make the race an easy prey to demoralizing influences.

Conjugal Condition. — This group indicates that previous conditions were not improved by marriage. The percentage of married women among whites varies, sometimes being as low as 40 per cent., and sometimes reaching 70 per cent., as in workhouses. Of the subjects 38 per cent. were divorced and a small number were widowed and were thus dependent upon themselves. The average number of children of subjects was less than one each. These results may vary with locality, and with workhouse inmates habits often prevented offspring.

For negroes 46 per cent. were married, a number had illegal relationships, and 30 per cent. were divorced. The grounds for divorce were such as adultery, abuse, and non-support. The fact that the first is recognized, indicates that family honor and purity are developing. The average age of marriage was 16 years, and the average number of children 3.1 per family. Of those married 60 per cent. assisted in the support of the family, and gave as reasons necessity and unsatisfied desires. Except in five cases, husbands were unskilled laborers ; 55 per cent. had bad habits, and 29 per cent. were illiterate. Married as well as unmarried women

thus come into contact with the industrial world with all its hardships and temptations. Maternity under such circumstances is not proof against these. The early age of marriage prevented the exercise of much judgment.

The fourth and last group included :

Religion. — Not much social weight can be attached to this, for it depends often upon nationality. Among whites the denominations represented were almost exclusively Methodists and Baptists, but Lutheran predominated in German, and Catholic in Irish communities. There was not much evidence of church attendance among Protestants. Among negroes church attendance was the rule, and the best represented denominations were Methodists and Baptists. A larger proportion attended than were members, for joining church seemed a serious step. Some reasons given for non-membership were : “ Tried, but never did get religion ; ” “ too liberal ; ” “ wanted to enjoy myself ; ” “ on probation ; ” “ didn’t want to ; ” “ was wild and foolish.” Ninety per cent. of parents of convicts were church attendants.

While both classes appeared religious, this did not imply morality. Many would not neglect a prayer and showed a fear of religious symbols, but in that same prayer would petition for strength to “ fall an enemy.” A well-known inebriate whose moral sense was not injured when she was found intoxicated in a gutter was a devout believer in the Episcopal service and seemed to appreciate its *form* and luxury. It is not the spiritual content, but the form of religion which they understand and to which they adhere.

Hereditary Influences. — For negroes a few facts were obtainable, but family ties were so weak and members so scattered that it was not possible to trace many of them with accuracy. In 15 per cent. there was evidence of insanity

and in 33 per cent. of crime. Facts for near relations, as parents, brothers, uncles, sisters, etc., were alone trustworthy. The species of insanity was unknown, but it is undoubtedly increasing. This is partly due to increased responsibilities, ignorance, physical neglect and increasing competition. Religious hallucinations are also common. Where criminals and insane continue as members of a household, the influence must be detrimental.

Superstitions and Fears. — Data for these were obtained with difficulty for they are matters which exert a supernatural influence and are avoided whenever possible. This attitude necessarily distorted their statements.

For fear, subjects were asked to name the two things most feared. Only 6 admitted none and their statements were due to the desire to display bravado. Things feared were: snakes, 29 per cent.; dying, 23 per cent.; animals, 12 per cent.; whipping, 12 per cent.; dark, eternal punishment, and God, 11 per cent. each; of being killed, fighting, losing good time in prison, and bad neighbors, 8 per cent. each. The remainder had two or three adherents each and were distributed among small-pox, water, gossip, fire, drowning, and ghosts. Some reasons given were: "Fears God because he has so much power and sees all the time;" "fear death 'cause ain't ready;" "fears bad people 'cause got me here" (prison); and "gossip 'cause it brings trouble." An interesting feature of these fears is that they are so purely physical and the object is avoidance of pain and preservation of life.

Superstitions were as simple as fears and included many which characterize uncivilized and uneducated races. Extreme superstitions were found among older persons, younger criminals giving them less credence. Traditions were often

acted upon instinctively and there was no consciousness that they were superstitions. 67 per cent. believed in dreams; 25 per cent. in physical signs; 15 per cent. in ghosts and spirits; and the others in conjuring, and signs of nature. Illustrations of dreams were: "that they will come true;" "see spirits who call us;" "dream of the dead and it always rains;" and "of money and you will get it." Physical signs were such as, itching of the hands means various things, as will see a stranger or get money; burning ears indicates gossip; and "jumping of right eye means 'bad trouble,' of left, pleasure." Signs of nature were such as, "God talks in thunder and lightning"; and signs of rain, as "moon holding water." By conjuring they meant "hoodoos," which corresponds in a general way to undue influence or hypnotism. Some characteristic replies were received as, "I've dreamed a heap, but doan see 'em come to pass;" "believe in dreams but not in other foolishness;" "believes in good spirits Bible tells of," "was born to see things in dreams." Charms were worn to prevent bad luck. These were varied in design. A common form consisted of strings of money tied around the ankle, or small bags filled with ground-up snake skin, seeds, shells, etc., tied about the neck. Various kinds of luck stones were carried and convicts often cried when they were taken away. Anything unusual was invested with mysterious powers. The more complicated superstitious beliefs which are the outgrowth of a complex civilization were not found.

The environmental influences of students are superior in all respects to those of criminals. Education was extended over a greater period and for parents consisted almost invariably of at least grammar or high school training. Church attendance and membership, by one or both parents, was the

rule and Sunday-schools were attended regularly by most subjects. The education was chiefly in city schools and reading and use of libraries was extensive. The things taught as right and wrong embraced numerous fine discriminations, and corporal punishment was less in evidence although frequently administered. The average size of families was smaller and percentages of deaths among parents were less. The size of the houses in all cases insured privacy and morality and many articles of furniture could not be found in the houses of workhouse inmates. There was a careful discrimination in playmates and more time was spent indoors. Games included such as frog in meadow, blind-man's buff, dolls, blackman, King William, tag, dragon, croquet, charades, authors, tennis, checkers, dominoes, etc. The percentage of entertainments attended was much greater and, from the kinds named for childhood, it was clear that careful judgment had been exercised. Money was not earned in public and no contribution was made toward supporting the family. In adult life work was not begun at an early age; amusements revealed culture, taste and refinement and were among the best offered. Habits of students and parents were given as good but these results were less reliable than among criminals. Temptations were markedly different and consisted of such as "to lose my temper," "to work for praise," "to waste time," "to become morose," etc. Accidents were few and in most instances subjects lived at home. Foods used were wholesome and the economic conditions were good. Occupations of fathers were mostly those of artisans, but there was a goodly percentage of farmers, professional and business men. But farmers in these cases meant not day laborers but proprietors. Superstitions were common, dreams being most popular, although physical

signs and those of nature were also found. There was but a small percentage of diseases and few accidents. Hereditary influences, like habits of parents, were not accurate because of reluctance to reveal family affairs. There was no evidence of criminality and a very small per cent. of insanity. These blanks were filled out and returned without name, so more accurate results were secured than would have been possible through direct questioning.

Wishes. — For whites these may be divided into four groups, which show: (1) Physical needs; (2) domestic and economic conditions; (3) sentiment or sociability, and (4) ideas of religion, morality, superstitions, etc. All subjects were requested to omit desires for release from prison so that representative results could be obtained.

Illustrations of physical needs: (1) I wish to get cured of my headache. (2) I wish for some money. (3) I wish I had a nice home. (4) I wish that God would give me my health and that I will soon be able to walk without pain. (5) I wish the Lord would give me my health, and a little fruit, and an apple pie, and a good night's rest. (6) I wish I had a handkerchief and a piece of cake. (7) I wish for a new dress. (8) I wish for a house and lot. (9) I wish to get my 30,000 dollars when I go out. (10) I wish I had a chicken and health to eat it.

Illustrations of domestic and economic conditions: (1) I wish when my time expires that I will have my strength and health, and get work, and forget the island. (2) I wish for a nice place and the grace of God. (3) I wish that God will be good to me and help me along to get out of this workhouse, and get work, and go home, and be happy forever. (4) For better opportunities when released. (5) A \$10-a-week job.

Illustrations of sentiment or sociability: (1) I wish I will have a visit to-morrow. (2) I wish I could find my son. (3) I wish for a letter. (4) I wish my husband will come up on visiton day and get me out of hear. (5) Wish i may see my leete girl when i go out. (6) To see a loved one. (7) I wish my husband takes good care of my children.

Illustrations of morality, religion, etc.: (1) I wish to get a happy death. (2) I wish for a happy death, the Blessed Lady by my side. (3) I wish to keep sober and good. (4) I hope I'll never get drunk again. (5) Wish for good luck. (6) Wish for the grace of God, and that is all.

(7) I wish to fall my enemy, to know the write an the wrong. (8) To heaven when I die. (9) I wish with the help of God that my life will soon change for the better, and I will soon settle down and find peace and happiness.

Additional interesting facts are : a large number of the wishes contained desires for work or revealed facts which indicated their financial dependency. Wishes in group (3) were few, showing that the æsthetic and affectionate sides were dulled. The present was emphasized and but little forethought was shown.

For negroes, the wishes show that the first group contained fewer than among whites, but things wished for were much the same. The second group contained about the same number, but the third group exceeded that of whites. 58 per cent. wished to see relatives or children, while others were for letters, to be happy, visits, a good time, and sympathy. They indicated less cynicism and stronger family ties than among whites. Thus among whites wishes for letters or visits usually referred to friends ; but among negroes relatives were preferred. The fourth group included such wishes as to get religion, 30 per cent. ; to go to heaven, 10 per cent. ; ethical desires, 33 per cent. Illustrations of ethical desires were : "Wish to tell the truth," "treat mother right," "do better when I get out," "have honor" and "be polite." Among these are also found regrets for past conduct. Negroes more than whites selected trivial things.

Letters. — These included 146 letters of whites. Inmates are allowed to write home letters once each month, and copies of these were made before they were mailed to their destinations. Recipients were : Male relatives and female friends, 24 per cent. each ; male friends, 23 per cent. ; female relatives, 18 per cent. ; strangers, 9 per cent. Judged by the tone, many of these were written to associates of similar

social grades. Letters to strangers were generally petitions for release or for work, and were addressed to business men, judges, etc.

Several topics were included occasionally in one letter, but oftener they were brief, and consisted of requests for favors. Analyses of contents show: Requests for letters, 25 per cent.; for clothes, 30 per cent.; for money, 23 per cent.; for friends to use influence for their release, 21 per cent.; for visits, 21 per cent.; illness, 18 per cent.; requests for work when released, 18 per cent.; indications of affection, 17 per cent.; regrets for past, 13 per cent.; expressions of pride, 9 per cent.; reference to children, 9 per cent.; loneliness, 5 per cent.; requests for reading, 3 per cent., and expressions of anger or sarcasm, 3 per cent.

Explanations and additional facts are: Requests for letters, visits, release, and reading, and references to loneliness were incidents of imprisonment. Two facts were noticeable: Out of 400 prisoners who had the privilege of writing without cost, only 146 responded in two months, and the short sentences only partly explain this. Out of this number few revealed strong family ties. Demands for clothes, money, and work grew out of their half-clad, penniless, and often homeless condition when arrested. Requests for release were urgent, for workhouse life was irksome, and many desires, as for alcohol, were unsatisfied. Regrets for the past, expressions of anger and sarcasm were partly due to prison associations and to the opportunity afforded for reflection. Illness was often feigned or exaggerated to gain sympathy and aid from friends. Writers of most pathetic letters, in which was set forth serious illness, were seen the following day at work, or quarrelling with their neighbors, seemingly in good spirits. Expressions of affection and references to

children had the most sincere tone, and even here it was often brought forth by assumed faithlessness of recipients of letters.

The letters were for the most part brief, practical, and contained many requests and but little sentiment. Some contained no other information than that the sender was at the workhouse. Rarely did one person write two letters. Letters to female friends and relatives were almost always requests for clothes or aid. Before presenting the extracts it should be noted that these letters represent only approximately the writer's thought, and should be compared with what normal individuals would do under like circumstances, for these reasons : Many subjects could not write and others wrote for them ; all letters containing profanity and obscenity were destroyed, so the tone was much higher than was natural ; sentences of many were short and they preferred to ask only for visits or await release before unburdening their minds. On the other hand, conditions were more favorable to the expression of "innermost sentiments," than a life of freedom would have been.

Notwithstanding these, the quotations, better than any analysis, throw light upon the conditions under which they live and reveal actual thought in the words of the writers.

"I write you asking you not to refuse the dollar I asked for, as I shall need it on the 11th of August to get a room for it, and as soon as I can get my work back again I can send it to you. I know I will be on the streets again if you don't help me a little. . . . If you only knew how I have to get along without a protector since I was left alone. It is all well for people as has means to live, but it seems as though I would never get along without some one there. I'm going out in September without one cent or a shelter ; do, for God's sake, send me a dollar or I'll be on the streets again. Every time I think of mother not giving me a trade, it was such a sin.

This indicates clearly the desire to lead a different life and yet habit and environment are so unfavorable that money received is often the means of their return to workhouses.

"Will you please be kind enough to send me my sack and pawn tickets? I know that you don't care; you would not even waste two cents on sending me a letter for fear it would disgrace you in the eyes of some of your high-toned friends; am sorry I can't write just how I feel. I would give them the utmost sentiments of my mind. I never thought you could act in the way you have. However, it is better now that I know, as I can get work and take care of myself, if God spares me to get over my trouble."

"Dear, I want nothing—no hat, nor anything else but I want you to come to see me a Saturday as for I am longing to see you and when you come up tell Simon to come for you would like to see this place it is a great summer place and great summer resort."

"I sent Ann with a message to you but as all your time and money is taken up with that freckled face, I suppose you did not see her. P. S. All I have to say is God look down on you—if you do not have money saved when I get out of here I will kill you as sure as I am sending this letter."

"I done as you told me make some money for myself so as I would be able to buy some clothes to put on my back, when the first one I run into was a fly cop. . . . If you can get me out I will reward you for I can go home to my mother and give her a sad story and she will help me out with whatever I need."

These were to male friends and indicated strong feeling. Matrons assert that these "friends" do not write or appear during the first part of the imprisonment, but manage to see the inmates or send some trifle about the time of release.

"I am good except when I drink. I am not going to drink again for a long time, not until Christmas anyway."

"Katie, my heart is broken—if you only knew my feeling all for the sake of two glasses of ale."

"It makes me feel bad when I see the rest of the fellows come up to see their girls, and the only way for us to get along together is for both of us to go to work and leave off drinking and shun bad company. You have your freedom, so try and get along and get work and have some place for me when I get out."

"I have got three months in the workhouse. I suppose I deserved it to a certain extent as I did not take your advice. I have fully made up my mind to leave liquor alone in the future and lead a different life. It is not from choice that I do wrong, but drink gets the best of me when I take it."

"I got into trouble for nothing, but I gess it was Higgins' best wische, but I gess I poll through all right."

These illustrate a conscious realization of causes of crime.

"I was going home when a policeman runned after me and took me to the station-house and told the Captain that he knew me and that I had no home. The next morning he told the Judge that I was under the influence of liquor. If this be let run no one can go out on the streets: but he got the wrong pig by the ear this time. I didna have any money about me to buy me any drink."

This shows the feeling of many of these women toward policemen, and sometimes justly.

"Will you please go and see Mrs. T—— and tell her if she get me out I will give her \$5 00. I have seen her often in Bellevue hospital when I was under pay there and I said to her one time—if I get arrested would you get me out and she said, 'yes, Mary I would do all I could,' as she knows I am a good laundress. It is the first time I asked a favor of her and if she get me out I will take the pledge for one year."

"I got into trouble simple and I got three months and I did not have time to say anything. I was taken before Judge —— for the first time in my life, so I heard that if any one had any influence they could get you out, it being the first time, so I thought on you. I hope I am not making myself too bold, but I am so heartbroken that I don't know what I am doing, so forgive me and remember a miserable sinner."

"The law you sent me here under (my first term) will be up on Sept. 11. In the meantime my home in B—— I've not heard from, nor my clothing, and I've got no way to let a poor old widowed mother know of my being in this place, and a few days' freedom now will make a world of difference. She is, or was, in poor health, having heart trouble. I'd no way of breaking the news to her. I was innocent to a certain extent, guilty to the extent of wishing to see scenes I'd never witnessed before—and more, I've learned a lesson. I've been ill ever since being here, and almost crazy about home, as my mother is in the south. What others think at home I dare not conjecture. I would not ask your leniency be-

fore, for I felt I'd deserved it. My father was a Master Mason, a Knight of Honor and a gentleman. The name of my family I've kept, but M— is good enough. I was more frightened than intoxicated, sir. That I never was wholly. Hoping you will confer a lasting favor upon a poor southern girl who is absolutely friendless except for the one this place has lost me. I am,

“—.”

These are typical letters sent out to judges, business men, etc., for assistance.

“Please excuse me for not calling for my things that are in your house. Please take care of them. I am living out in a place in Harlem, and I cannot go down to see you for a while yet.”

“Sneak me up one of the best waists and one of your skirts and coster and hat and send it up and a bit of black ribbon—one of your skirts as I have only one and send 10c in the letter as I need it going out.”

“What makes me feel so bad is because it is Sunday I am going out and I have all my working clothes on.”

“I was working in a laundry and overcome with heat sent to the hospital then here. Oh Joe, do write and tell me about Mary—my heart is breaking; burn this and do not tell any one where I am.”

These express pride.

“I expected a letter from you before now, but suppose you have forgotten all about me. Well, I suppose I have to live anyhow. If you don't want me any more I hope you will meet me at — and give me the price of some clothes, and I will never bother you again. I will go and live out and make my own living, and then you won't need to care. I would like you to write and let me know if you want me or not. I don't want to be moping around — street and stand in danger of more trouble. I suppose you are having a high old time with your money and don't think of a poor unfortunate that has nothing but hard knocks.”

To a husband: “I am down-hearted as I have so much work as it nearly kills me and I cannot help thinking that you cannot get me out. I am thinking that there is some one to take my place, but do not give her my things as I want what little I've got. I would be very happy if you do what you are trying to do, it would be good for me, but if you cannot get me out, do what you said you would do, take a small room and try and save a few dollars when I get out, then we can be happy in our little home, so try for my sake and do the best you can.”

"I hope in God I will be home before next Saturday. Tom, try and do your best as I will be waiting every day for an answer. If I only was once more home I think I would be the happiest woman in N. Y. . . . I will never drink again while I live after this. In a prison cell I set thinking, husband, dear, of you and the bright and happy home so far away, the tears can fill my eyes in spite of all I do although I try to cheer my comrades and be gay."

Typical letters to husbands.

"Nobody cares for me now. I am treated as if I was the worst woman living. Mother, I hope you are well, also the children; let me know how they are and if you went to see them last Thursday. Mother, for God's sake, take care of them, and don't let them go out West, or I will go crazy, for they are all I've got to live for in this world."

This is one among the few referring to children.

"See what I've come to. I've been sick since last Wednesday and I do not think I will live to see any of you again, if I'm not taken out of here. It is something terrible. I don't know how mamma could put me into a place like this, where the lowest and meanest of people are. If you could see half of what I've seen you would be heart-broken. Try and make mamma withdraw the complaint and I'll see if I can't turn over a new leaf. I know I done wrong to carry on the way I did in the courtroom and also the way I greeted mamma last week when she came to see me, but as you know, I've always been stubborn, but I can tell you the stubbornness is being taken out of me here between the grub and no sleep at night. . . ."

"I know I will never leave this place alive—it is hard, mother, to think of dying up here without anyone around you that you know. Mother, I will ask you once more will you for God's sake get me home—ask Joe to have pity on me and save me from dying on the island. May God bless you dear mother and spare you to watch over my children for I know I will never see them again. I can hardly write this letter for the tears are blinding me. Mother, if ever you get me out I ask for God's sake that it be at this time. Answer this letter and let me know if you are going to get me home."

These are among the few letters to mothers. In the first instance the mother was blind enough to expect reform in a workhouse. The second illustrates feigning illness.

These letters indicate a most promising field of research in social conditions for they are the convict's own picture of conditions. The results are among the most trustworthy.

The following brief sketches of crime or of peculiarities of the criminals are given as indications of the great mass of material which may be gathered from the criminal's standpoint and which is of social value, in that it represents their attitudes, life processes and progress. The first is that of a 13-year prisoner in the south. She was sent to the institution when about 18 years of age for the murder of her step-father. The circumstances as given by her are that while intoxicated he abused her mother and in defending her the murder occurred. She does not deny the crime and her only hope seems to be to live to return to her children. The stockade where she is incarcerated permits no men and a masculine style of dress was adopted because she is the blacksmith, mechanic, teamster, errand boy, etc. She is given a small shop and here she reigns supreme. She is an excellent engineer and is a most valued and trusted convict. Strangely enough she is not masculine, though she strikes a straight blow with her hammer and holds her reins firmly. She has a soft, pleasant voice, adapts herself well to skirts and shows no tendency to even the small masculine details. Her movements are essentially feminine and she possesses more modesty than the average negress. She affords an illustration of the fact that masculine labors do not necessarily induce masculine habits. She is probably the only negro woman who is a competent engineer, blacksmith, wheelwright and mechanic.

The second reveals a curious phenomenon for which the writer has not been able to find a satisfactory explanation. In the cell of a negro girl in one of the western prisons there are gathered about 35 dolls and when she has not been able to

beg them from visitors she has made them. They are all sizes and kinds. The aristocrats of the group are real dolls with sawdust bodies and yellow hair. Others the prisoner has made out of bits of wood, spools and sticks. These she has carefully dressed and has painted the faces or fitted false faces upon them. Much ingenuity has been shown, the bodies being joined together with pins. Money cannot buy one of these dolls, for there seems to be an equal affection for them all. They are the result of six years' collection. Nor is this all. Besides the dolls, the prisoner spends all her spare time in making beds, carriages, chairs, wagons and other articles of furniture for her family. She spends her time with the dolls and is more contented than when allowed social recreations. -

It is perhaps not so strange a collection, but when taken in connection with the fact that her crime is infanticide, the psychological factors are not so clear. At the age of 14 she killed her child. Although at the time she evinced no regret, this strange desire for dolls possessed her during her six years of imprisonment. Whether it is an unsatisfied mother-instinct alone, or whether she is, consciously or unconsciously, attempting to atone for the crime, cannot be learned. There are no evidences of insanity. Her step-brother was the accomplice in the crime.

One subject's story was : Lived happily with her husband until another woman came in. Her husband was away nights, and he gave all her things away. She told her troubles to a black woman, who had loaned her husband money with which to buy a place, and she gave her some love-powders to give her husband to keep him home. From these he was taken sick and died. The subject gave this woman all her money and dresses for the powders. This

negro also advised her to run away, so she would not be suspected, and this helped establish her guilt.

Subjects who have been sent to prisons when aged from 10 to 15 years give such stories as these: Were the nurses for white children. They had noticed that the mother gave some medicine to stop the child's crying. Being wholly ignorant they have tried the same method, given the wrong medicines and death of the child resulted. These stories can not be verified, but the age of convicts when received and their ignorance makes such occurrences probable. Sentences varying from 10 to 15 years were the penalties. These subjects have always expressed a warm regard for the child and family.

Almost one-third of the stories of homicide told by negroes show that they were committed under the influence of liquor, through jealousies or fighting. Many of them occurred at social gatherings. In numerous cases of larceny the acts were committed in immoral houses where men were robbed. These stories are all picturesquely told and curiously enough they do not always seek to escape blame.

These data, while only for a limited number, show the probable environmental influences in the problem of criminality and indicate a rich field for further study along these lines and by these methods.

CHAPTER VI.

SUGGESTIONS FOR LABORATORIES AND CHILD-STUDY.

IN the chapter upon "Temporary Laboratories and Criminal Characteristics" obstacles and need of permanency were shown. In this chapter are presented details for the establishment of permanent laboratories in penal and correctional institutions, and in those for defective children. These include laboratory equipment, schedules and suggestions for child-study, based upon previous experiments. In a new work it is essential that it should be carefully undertaken, else it fails, is misunderstood, or is prejudicial to the cause which it seeks to further. Any repetition or unnecessary detail may be ascribed to the realization of this danger.

Results from these laboratories have a twofold value. First, the study of causes of crime and of criminals, without reference to discipline or reform of the individual. When causes are understood and conditions ascertained they lead to improved and intelligent legislation, judicious philanthropy, improved methods in education and individual equipment, and to broad, sympathetic social movements. These are sufficient justification for the promotion of the study. Second, use of results by institutions in education, discipline and reform. This may be called the practical use of the work.

Laboratory equipment is similar for both purposes, but the schedules are more comprehensive in the first. Where causes of crime, degree of degeneracy and anomalies, abnormalities and defects are sought more factors are involved. Here individual records are lost and the results appear for

the group in averages, percentages, diagrams, curves, etc., all of which are typical of the group rather than of any one individual. It is the criminal group which is studied by individual methods. In the second, only tests are made which throw light upon the character and functioning of the individual and which will aid in his development and reformation. Here the individual record is of supreme importance and is kept intact. For the first, single tests made upon large numbers give satisfactory results, care being taken to use identical methods and to work under similar conditions with all subjects. For the second, they should often be repeated so as to insure accuracy, and so work and training may be based upon them, and progress noted from time to time. Inasmuch as the first laboratories will probably be introduced for practical purposes, this necessary repetition of tests will not permit of a rapid accumulation of results, and institutions wishing both series should make provision for them.

Laboratory Equipment.—The laboratory should consist of a suite of two, or preferably three, rooms. Two of these must be approximate, for some tests require both. Anthropological and sociological investigation may be conducted in one room, if only two are available. These should be as far removed as possible from noise and intrusion. The psychological room should be convertible into a dark room, for optical investigations, or where absolute freedom from external stimuli is desired. Good light is essential in all rooms. The apparatus should be placed upon tables, and in cases, out of range of injury or dust.

Director.—The director must be thoroughly trained. This must include general and laboratory instruction in anthropology, biology, psychology, and sociology. His assistants do not need such broad training for they do not plan

the work, or classify and interpret results. He must be free from bias for or against the class upon whom he works. Thus, a philanthropist may have prejudices due to his eager desire to reform, a chaplain through his interest in spiritual welfare, a physician perhaps, by his interest in the physical condition, and a teacher by his desire for progress. Specialists in any one branch tend to underrate the importance of and attention due to others. Directors must be experienced, for the methods are exact and require skill, there will be attempts at deceit which only the trained investigator can detect, classification of results requires system, and interpretation of data needs the broadest knowledge which can be summoned. The director's work thus involves: perfection of methods and tests; construction of apparatus; supervision of tests; verification, classification, tabulation and interpretation of results; and visits to habitats of criminals. Furthermore great tact and patience are required to insure trustworthy returns from a capricious, superstitious, and often ignorant class. In addition the director must act as counsel for the disciplinarian, teachers and other officers. His part in the institution life becomes integral.

Classification. — The methods may include two. The first is the card system, which is preferable. This requires cabinets for the filing of the cards, and is similar to the card catalogue system. Where tests are made for both purposes, groups of facts are more separated in the first, while in the second groups of *related* facts are kept together. This is an arrangement for convenience, and depends upon the director. Where the classification is for practical purposes, the division is first into offenders against property and against person, then, if desirable, into first offenders and recidivists, then into main groups as physical, psycho-physical and mental, then

into smaller groups of closely-related facts. The cards should provide blanks for a series of registrations, so that progress could be noted at an instant glance. A sample card is given at the close of the chapter. As the classification in the Bertillon system of identification is so well known, this is easily comprehended. The second method is the familiar one of recording data in books or upon blanks. The advantage of the first is that the cards are removable, and the whole record can be thrown together, or if statistics are desired, for instance, of the muscular force of all those measured, these can be separated from all the other data. Reports, diagrams and charts are easily made from such records. For women, careful classification should be made of prostitutes and real criminals. If the idea of Federal prisons were not so rapidly developing, it might be well to separate political offenders, since these in some respects constitute a different class.

Equipment.—This includes the following: For anthropological work a small room will suffice. This should be fitted up with the necessary tables and chairs and should contain cabinets for filing results. The instruments required include: large and small calipers, stadiometer for heights, Fairbanks scales, measuring tape (metric), back, chest and leg dynamometer, spirometer for lung capacity, dynamometer for hand grasp, shellac basins for preserving kymograph records, photographic apparatus for pictures of deformities, anomalies, etc., drawing materials for sketches, diagrams, and descriptions. Where the object of the investigation is practical calipers are not needed.

The psychological room should be larger and should contain tables, chairs, an adjustable chair, couch, shelves and cabinets. For the tests are required—Psycho-physical:

Vision : set of wools, series of colored papers and printed letters or Galton's diamond numeral scheme ; auditory : audiometer or stop-watch, Galton whistle, pair of tuning-forks or monochord ; tactual : series of wooden bottles filled with shot, various small objects for discrimination by touch, and algometer for pain ; olfactory and gustatory : series of graded solutions, or olfactometer for the former ; scales and standard, or the ergograph for fatigue ; blanks and metronome for precision ; Jastrow's card assortment apparatus ; Hipp chronoscope or Sanford's pendulum chronoscope for reactions ; kymograph for tremor. Mental : Paper, pencils and telegraph key, for perception of space and time ; printed letters or numbers, for attention ; printed series of numerals, and letters and sentences, for memory ; ink-blot cards and objects for constructive work, for imagination ; lists of words, solution of ammonia or camphor, bell or whistle, quinine solution and sharp needles, for association of ideas ; puzzle and mechanical model, for reason ; printed sheet of errors, for language ; tray with small objects, for observation ; and sets of questions and blanks, for moral sense. For practical purposes, the kymograph may be omitted. It will be seen that many of these tests require no instruments, and that much of it is prepared by the director. Sociological data are secured by the questionnaire method, and only blanks are required.

The cost of such equipment varies. If the institution has a printing department and a carpenter, exclusive of the Hipp chronoscope, it will fall in the neighborhood of \$200, and certainly within \$300. The chronoscope has electrical adjustments, and is so complicated that its cost is comparatively great. Sanford's instrument is inexpensive, but gives only crude results.

The most difficult problem is the selection of a series of measurements. The first one submitted gives that which the author believes desirable for theoretical work. The second includes that recommended for reform prisons and children's institutions where it is desirable to make individual studies for institution use. These schedules are in no sense complete, and as the sciences develop, additions will be needed and methods will be improved. In the author's judgment they include the best that the three sciences offer to-day for these purposes.

SCHEDULE 1.

Anthropometrical.

Measurements. — *Head*: Length, breadth, anterior and posterior diameters, horizontal circumference. *Face*: Height, breadth, distance between edges of orbits, between corners of eyes, profile; height and breadth of nose, length of right and left ears, length and breadth of mouth, cephalic, facial and nasal indices. *Body*: Standing and sitting height, weight, length of foot, hand imprint, length of thumb and middle fingers, span of arms; girths of neck, arm, chest, bust, waist, abdomen, thigh, calf, ankle. *Muscular force*: Lung capacity, strength of hands, chest, arm and back.

Observations. — *Head*: Anomalies and asymmetries of cranium, face, palate, teeth, and ears; color and characteristics of eyes; form of line between eyes and nose, outline of union of forehead and nose, nasal profile, point and nostrils; upper lip, nose and lip; first and second sections of helix, anti-helix, crura and lobe; forehead, chin and cheeks; relative development of frontal, temporal, parietal and occipital regions; characteristics of speech; color, quantity, quality and characteristics of hair; scars and marks. *Body*: skin—color covered, uncovered, nutrition, texture, pigmentation, pilos-

ity; scars and marks; deformities; anomalies of structure, of functions; condition; care.

Psychological.

Psycho-physical. — Visual, auditory, tactual, gustatory, olfactory. Reaction-time, coördination, vitality, tremor; respiration; circulation.

Mental. — Perception of time and space, color preference, attention, memory, imagination, association of ideas, reason, language, observation, moral sense, æsthetic tastes or tendencies.

Observations. — Time required, errors, difficulty of comprehension, attitude, honesty, degree of coöperation, fatigue, interest, fear on the part of the subject, and trustworthiness of tests.

Sociological.

Childhood. — *Nativity:* Where and in what state born; where and when father was born; mother; length of time in the country; in the city; father's descent; mother's.

Diseases: Name the diseases and accidents.

Education: Age of entering school; period of attendance; length of attendance in country schools; in city schools; father's education; mother's; age of leaving school; name some of the studies; some things read; five enjoyed the most; number of books in home; name some; if any manual training state place and amount.

Ethical: Sunday-school attended; length of time; what was taught as right and wrong; method of discipline; name some temptations.

Home Surroundings: Number of brothers and sisters; number older; how many living when aged 14; age at father's death; mother's; age of father at death; mother;

if have left home give the reason ; give number of rooms in home ; some articles of furniture.

Amusements : Discrimination of playmates ; reasons ; fondness for games ; name some ; name ones preferred ; name some playthings ; playhours out of doors or indoors ; name some entertainments attended.

Occupation : Earning of money ; in what way ; trade ; age of beginning work ; lowest wage ; highest ; method of spending wages.

Adult. — Education : Age of leaving school ; city or country school attendance ; name some studies ; reading preferred.

Religion : Membership in church ; reasons ; denomination ; attendance ; father's attendance ; mother's ; denominations of each.

Occupation : Occupation ; trade ; reasons for not following trade ; age of beginning work ; wage rate per week ; reasons for not working ; manner of spending wages ; amount saved ; reasons for saving.

Amusements : Games played since 14 ; kind of entertainments attended and preferred ; in art, what has been seen ; what preferred : in drama ; in art ; in music ; reasons for preferences.

Habits : Name good habits ; bad ones ; how formed ; immorality ; reasons ; name some temptations ; habits of father ; of mother ; of associates ; previous arrests ; number of times ; charges.

Hereditary Influence : Relatives insane ; nature of insanity ; degree of relationship ; relatives criminal ; nature of crime ; degree of relationship ; diseases common in family.

Diseases : Diseases since childhood ; accidents.

Home Surroundings: Age of leaving home; reasons; number of rooms; articles of furniture; daily foods in present home.

Superstitions: Belief in signs or dreams; those believed; name some religious beliefs; name some in which others believe; name things most feared; reasons.

Conjugal Condition: If married, answer the following: Age when married; how long; number of times; number of children; separated or divorced; assistance in support of family; how; reasons; husband's (or wife's) occupation; age; habits; education.

SCHEDULE 2.

Physical.—Heights, weight, girths of neck, right arm, chest, waist, abdomen, thigh, calf, ankle; *muscular force*: lung capacity, right and left hand, back, chest; condition of heart, lungs, nutrition.

Psycho-physical.—Fatigue; precision; coördination; reaction-time; tremor; visual, auditory, tactual, olfactory, gustatory.

Mental.—Perception of space and time, attention, memory, imagination, association of ideas, reason, language, observation, moral sense, æsthetic tastes.

Sociological.

These are identical with those in Schedule 1.

Where the institution desires a series for identification the following is suggested, so that uniform results may be secured: Length and breadth of head; arm reach; height and sitting height; length and width of ear; length of forearm and middle finger; length of foot; together with observations of scars, marks, color of hair, eyes, etc.

It will be noted that in the second schedule nearly all

anthropometrical measurements are omitted. Unless the abnormalities affect functioning, they are unimportant, for they throw no light upon means of developing the individual. The physical and psychological groups constitute a valuable series, even where the institution undertakes but little mental and ethical instruction. For children's institutions the full schedule is recommended, and in difficult, obscure and hysterical cases the kymograph might be used with profit. Especial stress should be placed upon knowledge of the previous environment of each child, and this record, together with that made in the institution, and with suggestions of the director should accompany the child to its parole home.

It may be of interest to indicate more clearly some of the practical applications of these data. In the selection of illustrations, it will be remembered that the whole individual record is essential, and that one test constantly throws light upon, and corrects errors in others, so that the *complementary* value of each can be illustrated only with difficulty.

Girths of various parts of the body, tests of muscular force and examinations of functional activities indicate the physical condition. Upon this can be based degrees of study, amount and kind of recreation, and quality and quantity of work. Some children are overworked or overstudy, and the necessary physical training is neglected, because of lack of such knowledge. Through tests of the senses, many errors might be avoided. Children are often considered mentally defective, when in reality the difficulty lies with the channels through which intelligence is made possible. Where the senses are defective a more careful and varied training is required. Knowledge of capacity for attention and memory might enable the teacher to use methods more adapted to individual needs. Where deficiency or excess of imagina-

tion, reason, observation, etc., are found, reading and play can often be directed to meet the needs. Similarly, power of observation can be stimulated by studies in nature or by care of small garden plots, where attention to details is necessary. Manual training and construction work tend to develop reason and improve coördination. Association of ideas gives some idea of the content and methods of working of the child's mind, and is a valuable source for suggestions for individual work. *Æsthetic* tastes are certainly helpful in stimulating and directing work in cultural influences and interest, and any light upon the moral sense is a guide in discipline, correction of vicious tendencies, etc. Ability to coördinate, shown by reaction-times, precision, etc., reveal adaptability for functioning in mechanical and manual fields, and training can be given accordingly. Here physical tests can be used to ascertain if the individual is further adapted to the proposed trade. Games, work and study can be utilized to further develop qualifications. Details for the use of games appear in the chapters upon "Defects in Penal and Correctional Institutions" and suggestions for "Prevention of Criminality."

Sociological data are also important. Nativity may throw light upon temperamental peculiarities and habits due to training. Knowledge of previous education helps in the subsequent policy of the institution. Degree and kind of early ethical training may indicate what the institution needs to supply. Home surroundings, amusements and occupations show the environment and indicate the influences and opportunities that are needed. A few illustrations will suffice. If it is known that corporal punishment has been the method, it is illogical to attempt to reach the child by those with which it is familiar and which have already

failed. Children known to have come from city districts and unfamiliar with nature should be sent to institutions in the country. If the training has been either too strict or too lax, the best results are not obtained by following the same methods. Where games and amusements have been largely social or individual, the opposite should be encouraged. When children come from homes of well-known conditions, as use of alcohol, physical abuse of children and parents, etc., greater care should be exercised in sending them to homes free from these influences.

There are other uses of data equally practical. Records from various institutions would be comparable and data for the country would be available. Now, no two institutions have similar measurements for identification; only a few make physical tests which can be compared; some gather considerable data in a methodical way; others but little in a haphazard manner. A uniform series for all institutions is much desired.

The tests for education, proposed later, are quite covered by these schedules, and would be of much value to institution and public statisticians.

Many explanations of methods and descriptions of apparatus used in these schedules are found in preceding chapters. It is essential that, as nearly as possible in all laboratories, the same methods and apparatus be used. For this reason the following description of methods of the new tests, not found in the preceding chapters, is given. These include: perception of space and time, attention, imagination, reason, language, observation, moral sense, æsthetic tastes and reaction-times.

Space and Time. — For space, a line is drawn in a certain position upon a sheet of paper, and the subject is requested

to draw a similar one. For time, a telegraph key is tapped, and after an interval of 20 seconds tapped again. The subject is requested to do this, allowing what he thinks is the same interval of time between the two taps.

Attention. — Two methods may be used : (1) Sheets of letters from which are to be cancelled all of the letters *a*. All sheets should be identical and time and errors noted. These sheets are preferable to the printed texts, for the subject matter in the latter may be a distraction. (2) Columns of figures equal in length, difficulty and complexity. The series may consist of three or five columns. The first and last are to be added as quickly as possible without interruption and the average for the two taken. In the others interruptions are given. If the five-column series is used, in the second is introduced a noise as the tapping of a telegraph key or blowing a whistle or ringing a bell ; in the third, a bright light ; in the fourth, brushing an object across the subject's neck or head. The differences in rate and errors between these three and the average, give the power of attention. In the series of three, all the stimuli are introduced during the addition of the second column.

Imagination. — For passive imagination an ink blot, made by smearing ink over a piece of cardboard, may be used. A variety of forms are thus made and the subject is given a series of five and allowed one minute for each, in which to give the objects seen. For constructive imagination, the subject may be given a number of objects and asked to create something. Time required and form of creation indicate the imaginative power. Literary imagination is more difficult to secure with the criminal class, and must be exceedingly elementary. A simple story with omitted words to be filled in by the subject was quite successful. Time required

and nature of words supplied are considered. The following was used by the author :

On a.....mild afternoon.....January a.....
 took....neighbor's.....New Foundland.....
 that was friendly....him and went to the.....to.....
 In order to do....he.....truant from.....and by
 this.....nearly.....his.....At this...what
 was.....as the January thaw had.....set....and
ice which the....before had.....very.....
 had.....considerably. Not noticing....the
after skating for....miles.....the shore
on a trip.....the river ; followed....the...

Slightly more difficult is that where three verbs are given and the subject is requested to write as many different sentences embodying the words as she can in five minutes. Number and quality are noted.

The most advanced test is the development of a theme. The subject should be given a choice of topics, as "Escape of a Prisoner," "A Fire in Winter," etc. Five minutes is usually the time limit. Choice of topics, length and manner of treatment, etc., give not only the imaginative power, but much other information of value.

Reason. — Tests are not so satisfactory here. The author has used with some degree of success, simple puzzles and mechanical devices. The first is inadequate and the second is not adapted to criminals, for specialists in mechanical work, as burglars, have the advantage of practice. Hypothetical questions are also undesirable. The three together require considerable time and do not give a highly satisfactory result. It is an important faculty to study, but no better methods seem to be available.

Language. — For this the following paragraph was given, with the request to correct all errors. Time and errors made were noted.

One cold, day in jannry 2 boy's had oportunity to go skateing in the tyke River who runs through cali, Not noticeing the a wheather ; which is extremity hot ; he was not scomodating with waru enough Cloths ! henry said to John said he are you, cold bnt john not did reply it seams she had because to cold for the too boys further two speak ; twas only with difculty that they found sheltar. There parnets saught for them in Vallies and in the Hills & at last discovered them being ' thawing ' out at Neighbor johns ?

Observation. — For this a small tray was selected, and about thirty-five small objects were placed upon it. These were arranged in a haphazard way, but always in the same position for all subjects. After looking at the tray for 30 seconds, they wrote a list of all objects recalled. In place of this a picture may be exhibited for the same period, and a description written, but this is less definite and the results are not so easily tabulated and compared.

Moral Sense. — This is highly important, and is difficult to secure. What is sought is to ascertain the degree of moral perception or insight rather than judgments based upon acts. The important thing is to determine the point at which departure of wrong from right is seen. In dealing with criminals the danger is in drawing this point too fine. The following have been used with but indifferent success : (1) Series of hypothetical questions. (a) If a railway ticket, transferable, without name or contract on it, is found, what should be done with it. (b) Same, only it is a contract ticket with name of Smith and no address. (c) Same, only it is provided with blank space to be signed by the purchaser before using ; no

address. Strangely enough in this test students would rather use a ticket with the name of Smith than write the name, while the reverse was true for others. For children, circus tickets were used. (2) Series of hypothetical questions to determine where gambling begins, *i. e.*, playing cards for prizes and up through a series showing a more apparent gambling spirit. Playing marbles for "keeps" was substituted with children. (3) Under what circumstances is it justifiable to steal. If in addition to such a series careful records are kept in the institution of each individual's daily and petty offenses, some good results may be obtained.

Æsthetic Tastes. — These are secured with difficulty from criminal classes, chiefly because they are so largely undeveloped. Tests for students may include: Recognition of artists by displays of copies of masterpieces; of musicians by reproductions of their compositions; of authors by the titles of their books. But for criminals and uneducated classes this must be simplified in something of the following way: In art such as: Name artists of whom heard, pictures seen or galleries visited, selection of preferred pictures from reproductions from old masters, with reasons therefor. Time, not less than five minutes. In music, name some composers, some compositions, select the preferred ones. Time, five minutes. In literature, list of authors, list of titles, preferences. Time, five minutes.

Reaction-time. — In this test the subject is in one room and the experimenter in another. At a given signal by means of electricity, a color is exposed, a sound given or a sensation induced, in the room occupied by the subject. She presses a key just as quickly as possible after receiving these. The time which elapses between perception of the stimulus and this response is registered by the chronoscope

in thousandths of a second and constitutes the reaction-time.

The author had some doubt as to the suitability of this schedule for children, first, that it might be too difficult, and second, that the children would not coöperate readily. Before recommending it, a series of tests was made. Age groups were chosen—from 8-10, 10-12 and 12-14. Below the age of eight it did not appear feasible, for institution children are frequently much behind the average public school pupil. These tests were made in a manual training school for boys and in a state home for girls. The object here is not to give the results of this investigation, for it was a test of methods, but to indicate briefly the success and to suggest changes based upon it.

1. Anthropometric measurements were entirely successful for they required no coöperation. They must not be too prolonged, for the child is but little interested in them.

2. Tests of strength and vitality are highly successful, especially among boys, and the result is sure to be his best. They are willing to try and desire to excel. They are open to suggestions for physical improvement.

3. In psychological work, the methods must be simple, the tests interesting and fatigue avoided. If these are observed, the child will give its coöperation.

For tests of the senses, no change is required in methods except: Galton's diamond numeral scheme can not be used with younger children for some cannot count. The audiometer is preferable to the stop watch, for attention wanders more easily from the tedious method of the latter. The monochord is preferable to the tuning fork, for the same reason. The æsthesiometer proved entirely too wearisome for boys, but was fairly successful with girls. The test for

muscular sense was not successful with children of the 8-10 group. All other tests proved interesting and gave good results.

For the remainder of the tests in the psycho-physical group, all were successful with some change in method. In fatigue a tendency was shown to jerk the apparatus and much care was necessary in starting it.

Naturally failure was apprehended in the mental group, but even here they were not marked, not even among the 8-10 group. Where there were errors or difficulties in comprehension these were in themselves significant.

Color discrimination and preference and perception of time and space proved highly interesting to both boys and girls. In attention, the test of cancelling the letters was preferable, for all could not add. That for memory was satisfactory. Where the children could not form letters and figures, they repeated them for the experimenter to write. The tests for imagination were partly successful—the ink blot can be used with all classes, and the objects for construction with all but a few in the 8-10 group. Simpler objects could be used here. Literary imagination requires a simpler form for the 8-10 group. The development of a theme was in some instances impossible, and a few failed in the formation of sentences. In association of ideas, simpler words were substituted for such as mind, value, etc. The children were most successful with constrained association and that by direct stimulation. In free association they appeared less proficient. In some instances it was difficult to explain the methods, and many insisted upon writing sentences. But the test was not a failure and the results are well worth the effort. The following are typical associations of the younger children and are given in the original :

Goodness: "run on errands, help each other out, empty your mother's ashes, do your work good in school, when your father asks you to scrub stairs, do it good, play with another boy when he wants you to;" *quinine* (taste): bitter, medicine, water with strong salt, water you goggle with, bitter salt;" *punishment*: "go and do some mean thing like going and hitting a boy, break a window, throwing stones, stealing, go off any place and try to go away to steal;" *habits*: "some people have different habits about drinking, swearing, saying bad things, drinkin', doin' anything they please, they have habits of jumping on cars and playing ball;" *ammonia* (smell): "ringworms, bottles, fight with a boy, he said it smelled good and stuck it under my nose;" *work*: pull weeds, cut wheat, work in garden, drive cow, make a house;" *fun*: "lots of fun, have a good time, funny things, go out and play have fun, some one scares you and has fun, Christmas is fun." It is more difficult to analyze these associations for children cannot so readily separate their thoughts, but their tendency to write sentences partly overcomes this difficulty.

For reason only the puzzle was tried. There was but one failure, and the time required for solving it varied from one to twenty minutes. The language test was too difficult and something less advanced in the same line is suggested—for instance misspelled words of one syllable and mistakes coming within range of elementary education. The observation test of the tray with objects was extremely popular. The character of those remembered, as between the boys and girls was interesting. Boys were more often so fascinated by a few objects as a knife, marble, shell, etc., that they did not see the others. The picture was not used.

Moral sense tests were given, being simplified in the ways previously suggested. There was the greatest divergence of opinions. Some would use the circus ticket under any circumstances because they wanted to go, while others gave some ingenious reasons for not using it. One declared he would try to find the owner, but not very hard. For justification of stealing, some introduced trifling causes while others knew of none. They were unanimous in their opinion that it was better to steal than starve, and some thought of begging or borrowing before stealing. Playing marbles for keeps brought some interesting results. Some saw instantly that it was a form of gambling, while others stoutly maintained the contrary. Reasons were always asked and one or two show some of the attitudes brought out by the inquiry. One boy was asked if he played marbles for keeps and replied cheerily: "Sure I do. I got 28 in my pocket now I won. Want to see 'em?" To the same question another replied, with downcast eyes: "Sometimes, but I often give them back." Another said: "I like to play for keeps, cause the boys get mad and fight and I like to see 'em."

With care, a series of questions can be evolved which will give even better results.

Work with the kymograph does not seem advisable for the two younger groups. The test requires careful adjustment, is slow, and the subject must remain motionless. These are strict requirements for children under 11. Tremor, which is taken with the kymograph, was successful with all classes, for here the subject is conscious that he is *doing* something.

The satisfactory results from this series warrant the author in recommending them, with the changes suggested.

Sociological data secured from these children need veri-

fication, whenever possible. Facts regarding occupations, amusements, games, nativity, reading, etc., were generally reliable. Answers to things within the child's experience are valuable for, if falsehoods, they give his point of view. But details regarding parents are often not known by them, or answers are made up. Nevertheless the schedule requires but little time and seems well worth filling out. Care should be used in interpreting data not within the child's experience. Letters and wishes were secured from large numbers of children but were greatly influenced by the institution life. They should be taken when the child first arrives.

From these data, the author believes that physical and psychological tests can be introduced with success in institutions for defective children, and that defects of the various mental faculties can be more clearly ascertained. Here, as elsewhere, the physical and mental instruction may become more intelligent through such a knowledge of defects. Too much must not be expected of psychology for it has many limitations and imperfect methods, but it assuredly points out the way for a scientific investigation among these classes. The author has experimented with tests for memory, attention, association of ideas and coördination upon mentally defective children, with some suggestive results. Sociological data are important if gathered from the original sources, but many such children give untrustworthy answers. The laboratory method of study is especially desirable for children who appear incorrigible and are not amenable to ordinary methods. In addition, daily observations of a systematic and careful nature should be made, and a careful record of the degree and route of development made. These should be somewhat in the nature of studies made of children from infancy, as in Miss Hogan's "Study of a Child."

SAMPLE CLASSIFICATION CARD.

No.	Class	Grade			Age	
		1890	1891.	1892.	1893.	1894.
PSYCHO-PHYSICAL.						
	Auditory {					
	2	.....	.....	.....	.....	.....
Reactions.	Visual {					
		1	.....	.....	.....	.....
	2	.....	.....	.....	.....	.....
	Tactual {					
		1	.....	.....	.....	.....
	2	.....	.....	.....	.....	.....
Precision.						
		1	.....	.....	.....	.....
	2	.....	.....	.....	.....	.....
Card Assortment.	Time {					
		1	.....	.....	.....	.....
	Errors {					
		1	.....	.....	.....	.....
	2	.....	.....	.....	.....	.....
Fatigue.	Max. {					
		1	.....	.....	.....	.....
	Recup. {					
		1	.....	.....	.....	.....
	2	.....	.....	.....	.....	.....

Observations :

CHAPTER VII.

ENVIRONMENT AND CRIMINALITY.

THERE are many environmental conditions which sustain a close relation to both quality and quantity of crime. Some of the most important are here analyzed for both whites and negroes, in the hope that further studies may be made in this field. No one element can be taken alone for combinations of forces are required for complete development. The facts presented are neither exhaustive nor conclusive, but are rather suggestive of the scope and importance of the inquiry. The conditions presented include climate, soil, food, labor, domestic training, education, economic status, transportation, religion, social institutions, æsthetics, politics, laws, density of population, psychical and physical traits, prevalent beliefs, and relation of heredity and environment. The reader is referred to the chapter on "Sociological Data" for methods and results for female criminals.

Climate. — In the north criminality is influenced by temperature and seasons. In winter crimes are more numerous against property while warmer seasons favor crimes against person. Severity of climate has two effects—it tends to prevent crime in that it stimulates forethought, for all classes feel the need of making some provision for the cold months. At the same time crimes are more numerous because of increased needs of clothing, fuel, etc. Greater powers of functioning and adaptation are thus required and failing in these there is a resort to illegitimate means. With the exception of two months, climate is favorable to activity and its varia-

tion makes possible diversity of industries and activities which lead to more rapid development. In this it again favors criminality, for the more highly complex the civilization and the larger its communities, the more opportunities are afforded.

In the South it affects both negroes and whites, for it predisposes to mental and physical inactivity. There are but few large cities, and occupation has a more intimate relation to, and is more dependent upon climate. When the planter finds labor difficult, he relies upon his inheritance or goes into business in the city. The poor white and negro must labor, starve or steal, for they have no plantations, credit or opportunities in the city. The southern climate is less rigorous and there is less forethought required—it is not an incentive to frugality, but rather encourages thriftlessness, thus providing an opening for vice and crime.

Leffingwell has shown that in warm climates crimes of passion and licentiousness are more numerous, and these form a considerable percentage for both negroes and whites. Using Alabama as an illustration, records show that 32 per cent. commit crimes of passion. Carrying concealed weapons, where the intent was not clear, and assaults with intent to rob, where passion and desire for property were clearly combined, were omitted in this percentage. Just what part climate plays in arousing passion has not been estimated.

Soil. — In the north only a small per cent. of criminals come from localities where tilling the soil is the occupation. Soil and climate together encourage thrift, for more work is required to secure products. Quantities of public lands have been thrown open and property holding has increased thereby. The soil is divided into small farms and this gives a greater percentage of laborers who are proprietors. Condi-

tions in cities favor crime quite as much as those of rural districts prevent it. Small areas are often so crowded that they serve only as dwelling places and offer no opportunity for subsistence and but little for recreation. Limitations in soil are closely related to other factors, as labor, economic conditions, etc.

In the South soil yields a greater return for small expenditure of energy. Negroes are adverse to working a full week, for they feel assured of a livelihood from the abundance of others. A race for which nature provides lavishly and in which there has been developed few desires, aside from those incident to self preservation, will not exert itself. Obstacles are of great importance in race development, and through its treatment of these it rises or disappears. The negroes' lack of obstacles during slavery and now have not tended to develop thrift and forethought. They have not had great opportunities for acquiring land. Only within the past few years have plantations been divided into small farms, and wide areas still lie idle for lack of resources to develop them. There is more dependence on soil and fewer industries than in the North.

Food. — In the North prices of food are higher because of difficulty in production, distance of transportation and larger demand. Foods used by classes from which criminals come are less abundant, are often of inferior quality, and are not so well prepared as are those of higher grades. Their training does not enable them to select the most healthful foods. From observations of shop girls in lunch rooms it is seen that the foods chosen are rarely calculated for hygienic results. Physicians in reformatories state that the teeth of the children are in many instances impaired from excessive use of sweets, while their bodies show a lack of

nutritive food. Cultural influences cluster to some extent about the meal hour, even among the lowest people. It is the time when the family is together, there is some form and degree of social intercourse, meals are regular and there is some kind of rude service. But to a greater extent than among higher classes the family is separated for the father (and perhaps the mother) may be absent for at least one meal. There are kinds of food which should be avoided, for their chemical analysis shows they are calculated to produce evil results in connection with certain temperaments. This is a matter of perhaps small importance, but cannot be overlooked.

Foods of negroes are not of such quality and are not prepared so as to give the best results. The death rate is increased by ignorance of effects of these. In fevers, when care should be exercised, corn bread, acids and ill-prepared foods are given. Meals are irregular and the hour has few of the cultural features. Dinners and suppers are frequently taken out on the plantation in an irregular, disorderly way and in the cabins there is the same lack of system.

The possible social and cultural advantages through the serving of food is underestimated. Where it is emphasized, it is a great agency for exchange of thought, cementing family ties, teaching of habits and creating æsthetic desires and tastes. The Anglo-Saxon race has a host of traditions and customs clustering about the meal hour, the value of which is not estimated in studying moral deficiencies. This phase of life among lower classes of whites and of negroes needs developing.

Labor. — In the North, prison statistics show that where criminals claim occupations they are usually those of un-

skilled laborers or of artisans. Labor or idleness may not be direct causes of crime, but they are closely associated with it. Each occupation has its common factors: First, certain grades of intelligence are incident to certain occupations. The grade of intelligence of a gang of street-laborers in New York is about the same as in Chicago, although they may not have intermingled. Second, certain degrees of physical capacity accompany various occupations. It ranges all the way from mere endurance to skill. Third, associates are often selected through occupations, and thus there are certain habits, recreations, and amusements with which each grade is familiar. Wages for various kinds of labor often determine social, sanitary, and æsthetic environments. Thus, street-laborers have their own "hang-outs," and live in such sections as their wages permit. Habits and resorts of sailors are closely associated with their occupation. It may be argued that a man chooses his occupation according to his tastes and capabilities, and it is a result rather than a precedent. In a limited sense this is true, but among classes from which criminals come, and amidst fierce competition, a man cannot choose his occupation more than he can direct his training and education. Necessity may force him into work long before he is capable of choosing, or parents' limited education and desires and lack of influence may keep him down in the scale. In all occupations in which the individual remains, he in time develops a congeniality for it and shows the limited or dormant capacity characterizing it; for, if he fails to keep the pace he drifts into a lower grade or into idleness, and if he exceeds it he grows into new opportunities.

These facts are especially true of negroes. Through their inexperience, present capability and desire of whites, their

labor is largely agricultural. Only a small per cent. are skilled laborers, and still fewer are in professional classes. Whites need them in agricultural work and offer but few incentives for them to rise. When they drift into the city it is often into idleness, unless they are skilled laborers and can meet the competition.

There is no comparison between "farmers" of the South and North. In most cases it means that negroes are day laborers for wages or on shares. They are remote from schools, libraries and other civilizing influences which are within reach of northern farmers. Negroes are more dependent on masters or overseers for intellectual breadth, and traditions and customs persist longer in the isolated communities. Small farms permit social intermingling of different groups, while negroes in many districts are dependent upon other plantation workers who are equally isolated. Negroes' labor is mostly for remuneration and their interest in both quality and quantity is limited by that. Labor of northern farmers is in many ways skilled, but in the South the crudest appliances are still used. While labor in the latter predisposes to crime, chiefly through educational and economic limitations, it is at the same time exempt from many temptations which accompany diversified and urban labor.

Reports of societies for the aid of discharged convicts show the detrimental effect of idleness. It is difficult to obtain work and when fresh from prison convicts are more susceptible to temptations and need more encouragement. There are also homes maintained where convicts can stay at a small expense until work is obtained. Such organizations do not exist in the South. Aid societies are preferable to these homes, for criminals do not congregate for long periods together.

Child labor in the South does not present the evils which exist in the North. On plantations they begin work at an early age, usually assisting their parents. In cities they are bootblacks, errand boys, etc., and have an independent outdoor life. They are employed in factories to some extent and there has been almost no child labor legislation. Early labor depletes vitality, restricts education and permits loose training in all classes where it exists.

The relation of women's labor to criminality is shown in the chapter upon "Increase in Criminality of Women."

Domestic Training.—This is perhaps the most important element in the problem of criminality. Condition of parents and atmosphere of the home are in a large measure responsible for the child's future. The following conditions are favorable to criminal habits: (1) Intemperance, immorality, etc., which predispose to crime either through inheritance of defects or by *example*. (2) Inharmonious relations of parents. (3) Lax discipline which does not permit supervision of the details of child life. (4) Too strict discipline which instils a spirit of rebellion. (5) Harsh or hasty punishments or the other extreme—indulgence. (6) Deficient understanding of each child and lack of *individual* training. (7) Absence of cultural and educational opportunities. (8) Poverty and unfavorable districts. (9) Incapacity of parents for imparting high ideals of morality and education. (10) Illegitimacy, removal of either parent, or step-parents.

Facts for female criminals, presented in the chapter upon "Sociological Data," show that many of these conditions exist and there is no reason to believe that they differ from those for the great mass of criminals. Especial stress is placed upon individual training, and under the head of psy-

chical and physical traits are presented some instances where it is indispensable.

In domestic training whites, even the immigrants, are far ahead of negroes, for this race has some peculiar disadvantages. There is no race outside of barbarism where there is so low a grade of domestic life, and where the child receives so little training. In slavery, there was no domestic life. Continuance of family ties depended upon the will of the master, and his attitude favored immorality, for his desire was to secure as many slaves as possible regardless of this. Negroes have not had quite forty years in which to *create* and establish all the sound principles and practices of domestic life. Only in a small degree have they been taught the need of morality, sobriety, and fidelity, and in matters of cleanliness, sanitation, prevention of disease, etc., they have been left to look out for themselves. Where from five to ten persons cook, eat, sleep, and die in one or two rooms, what can the family morality be? The condition of the Jukes family was not worse, and yet upon such a fragile basis is placed mental training. Instruction in reading, writing, history, arithmetic, theology, etc., is given, and a moral sense is expected to result. There is necessarily a mental comprehension of things without a personal value or practical application, for the sympathetic and moral instincts remain undeveloped, or are warped.

There are other reasons for loose domestic relations. Whites during slavery, and even to-day, set no example for them. Often it is jealousy of a white man's relations in the home that destroys its peace. Negro women yield to white men quite as readily as in slavery. Until there is greater respect for the negro home, the morals in that home will be lax. The *mutual* training of the children, with educational

and cultural interests and pursuits, often makes domestic relations more durable. Possession of property and its entailment are also influential in maintaining family integrity but are almost unknown to the mass of negroes. Marriage is more of a religious ceremony and does not convey a consciousness of new legal and social obligations. The fact that so few women are virtuous when they enter matrimony must lower the standard.

If home life lacks the interests, comforts, and integrity which are deemed so essential, what is the probable training of the child? What can one mother accomplish for each child, when there are from five to fifteen to be disciplined and taught? Often she is a laborer, and is lacking in even rudimentary education. The northern mother, with her smaller family and with trained assistants in the home, school, and church, realizes the difficulty of individual training. What care and necessities can one sick child have in the midst of such numbers, and in such squalor and want? Think of the cost and attention often required to save one child among whites! During slavery whites were interested in the life of the negro child. It had a cash value, and all efforts were made to save it, and it was often taken into the mansion itself and carefully nursed. Now all the knowledge and means required for such care devolve upon parents who have had but little preparation. The child has little economic value, for the labor market is often overstocked. The whites are not disloyal to their old slaves, and do not deny help when it is asked; but there is less interest in the condition of individuals. With this lack of supervision over associates, knowledge, and habits, the child passes into the school. There are no kindergartens to serve as a medium. The one grade in the North with which the negro child is

comparable is the laboring class crowded in tenement districts. The training and opportunities are somewhat alike. It is from this class (whose training is largely in the street or in depraved homes) that children in reformatories come.

One of the primary needs of the South is enlightenment and ideals in domestic life, together with such knowledge as will secure training and discipline for the child. In the absence of other agencies, free public kindergartens are desirable for both mothers and children. Kindergartens will assist in supplying this need, because the children are particularly deficient in the sense of responsibility. They are not taught it for they are not placed in responsible positions. This sense is necessary to successful functioning. Slavery deprived the negro quite effectually of it, for he was required to be imitative rather than initiative. Responsibility can be developed under a directorship, but only with difficulty under a mastership. The negro is said to be a "petty thief by nature." This may be true, but at least one of the reasons lies in the fact that in slavery his master's property was his own; he was never held strictly accountable. He protected the property against outsiders, but not against himself. There are many former slaves still living, and they are training some of the children. Neither is the child taught respect for property. This is not a "born trait," and capacity for its acquirement varies. It is taught the white infant, and offenses against property are rigorously punished. The negro child has but few possessions with which to develop this instinct.

Aside from these conditions in the home, little assistance comes from the whites. They have come to expect justly, perhaps, thieving and immorality in negroes. If they are honest, they obtain little credit for it. It is difficult for

them to reach an ideal of self respect when no one has faith in that ideal for them. Many individuals are moral and honest because they prize the respect of their fellows. This restraint through public opinion is often underestimated. Negroes are seldom taught the value and dignity of self respect and they understand they are not credited with it. It is easier to attain the standard held for them than to carve out a new one, especially when less than 50,000 out of 7,000,000 of their race have reached it.

Education.—Great as are the advantages, the criminal class has not been reached. The public schools do not keep them long enough; the home affords inadequate moral training and cannot often direct use of knowledge, and the church reaches them with difficulty, so the *sum* of education is not great. Sometimes there is mental instruction minus the others, sometimes religious and moral, with no direction of use of knowledge, and so on.

But the present education of negroes is inadequate. First, in common schools the time given to education is brief, averaging less than four months a year in the country and perhaps six in the towns. Second, the instruction is inferior. Negroes prefer negro teachers, but as yet the instruction given by them cannot, in quality or quantity, approximate that given by white teachers. There still exists a strong social prejudice among whites, against white teachers of negroes. Almost no use is made of libraries, and the supplementary work so well developed in the north is unknown. Studies as history, geography, etc., are given the preference over physiology, hygiene, civil government and matters which are of practical daily use. The negro in many instances is being fitted for vocations in which there is but little opportunity for him. Agricultural and industrial eras precede those

of commerce and professions. The negro cannot forego these, simply because he is transplanted in the midst of a race that has experienced them. They are essential in race development. In the North many generations of fathers identified with agricultural and industrial interests have laid the foundations for the professional careers. Economic independence must accompany enlightenment. The negroes are not trained to meet successfully the conditions of occupations open to them. Romans were not trained for merchants when warfare was the commerce in use. Latin, Greek, and French must have but a superficial influence when a race has no literature of its own, and the cultural influences of a moral and educated family life are unknown. Higher education cannot meet the needs of the masses for many generations, and can only raise the standard by sending its graduates among them. The training needed is that which will put the child in conscious control of himself. That the system of education is not accomplishing this is shown by the fact that negro teachers and ministers are frequently the most immoral of their race. This is true because the educational methods result in a knowledge of facts, while the moral and sympathetic sensibilities, the perceptions of domestic, social, and political life, in relation to the negro himself, are neglected. The result is a mental equipment which puts the individual in the place of a leader—a place that he often uses to degrade his race. The criminal who has good mental capacity is always the most dangerous because the most capable. In training capable intellects a corresponding stress should be placed upon the development of the moral, social, and sympathetic sides, because the range of influence is greater. The ability, sagacity, and energy of the newsboy hold more promise of a good business career or of an astute criminal than do the

feeble intellect and inactive body. The capacity may depend upon heredity ; the use may be determined by environment. At present the existing needs are not met and with these defects it is not reasonable to attribute to education failures that may be due to the system and its application, rather than to the pupil. There is no wish to minimize the work of colleges and religious schools, or to underestimate the fact that the great bulk of the negroes' common school education is furnished by whites. Higher education does not reach the masses and so is not directly connected with criminality.

There are improvements in the North to which the South may direct its attention with profit and save years of experience. These are among the influential educational forces which prevent crime : (1) Mental education has been found inadequate and manual training schools, as well as training in business, trade and commerce, are being introduced to meet the deficiency. (2) Parochial schools. In these alone, Catholics educate 800,000 pupils. (3) Chautauquan system of education which reaches many in rural districts. (4) University extension. This is being applied at Tuskegee for home clubs are formed and instructors and students go into the surrounding districts. Other southern colleges and schools could well begin this work. (5) Home and circulating library associations for small towns and rural districts, also school libraries. (6) Vacation schools, to fill up idle summer hours. (7) Kindergartens. (8) Physical training, as addition of gymnasiums to schools, or some elementary exercises together with instruction in hygiene and physiology. (9) Parental schools for truants, and compulsory education laws. (10) Systematic lecture courses as a means of education. The well conducted clubs so influential

in the North are almost untried for negroes. Reports from these movements leave no doubt but that they are most helpful in preventing pauperism and crime, and inasmuch as environmental forces affect the human organism in much the same way, the application of such agencies as these cannot be amiss in the South.

Economic Conditions.—The possession of sufficient of this world's goods prevents many from committing crime. Often when finances are inadequate to the demands of the individual's vanity, love of luxury, or avarice (qualities under some circumstances quite as capable of inducing only fastidiousness and æsthetic tastes), he becomes a criminal. Money often prevents individuals from becoming convict burdens to the state.

On the other hand possession of wealth may lead to commission of crime, as through gambling and speculation. Nevertheless poverty is more often a cause than a prevention of crime—for aside from immediate want, it excludes many influences which prevent criminality.

In the North there are various agencies for improving economic conditions: (1) Trades organizations which secure higher wages, better hours and more continuous employment. (2) Savings and loan institutions which encourage thrift. (3) Insurance which provides against sickness, accidents and pauperism. (4) Pension systems of various industrial organizations. (5) Efforts of employers to provide cultural and educational advantages.

Negroes have few or none of these aids and except in cities all are not suited to their needs. The great majority are dependent upon wages and there are few provisions for families in case of death or illness. Savings banks are just gaining a foothold. There is one in Birmingham, Ala.,

which is conducted by a negro and it is referred to as a great curiosity. Insurance has not been introduced and if it were would probably be at exorbitant rates by unscrupulous whites. Pension systems have not been adopted. Under the slavery system a sort of pension place was in use, for old slaves were not discarded. But this idea has not been carried over into plantation labor and industries, perhaps, because the latter are still young and negroes have not well learned that faithful service is compatible with freedom. Labor organizations and coöperative societies are unknown, except in large cities. Negroes have acquired property within the last two decades, but much of it needs care and improvement. They have not had the property sense stimulated and prosperity is impossible without it. To-day many of the cabins used in slavery are unchanged and have not more light or cleanliness and are but little better furnished. The United States Census shows that three-fourths of the farms and 81 per cent. of the homes occupied by negroes are not owned.

There are some ways in which whites profit by shiftlessness and inexperience of negroes. A few illustrations will suffice :

Deck gangs upon river boats receive good wages. Most of it is lost in gambling during the trip. The masters of vessels encourage this by advancing the entire wages to negroes. At the end of the voyage they are penniless and must reship. The boat thus maintains a steady crew, but the negro makes little progress.

The planter often lives in the city and has an overseer or manager, and is out of direct touch with negroes. In some communities he is paid what the manager thinks fit, and it is often in tickets or trade, so that the currency is that of

the particular community. There are few labor *contracts*. Whites invariably keep the accounts, and dishonest overseers are not wanting. Mortgages can often be secured only at interest rates as high as from 10 to 40 per cent., and unscrupulous agents penetrate the country and sell quantities of cheap jewelry, useless ornaments, etc., at fabulous prices. The "installment" plan is the source of much revenue to these agents. There is limited knowledge of the value of these things, of what money will purchase, and of what is most useful. Exorbitant rents are often charged for mere hovels.

Economically the negro is more dependent than any other laboring class for he is limited in both resources and opportunities.

Transportation. — Commercial activity and transportation make commission of crime more possible. The first develops products easily preyed upon and the second enables professional criminals to go rapidly from place to place and ply their trade. Risks are well worth assuming, for escapes are more certain, stolen goods are easily transported, and there is a wider contact with life and associations and more opportunities for developing "schemes," swindles, etc. Transportation is so efficient in the North that small towns are also the prey of professionals. Bank robbers, swindling, bunco games, etc., exist in abundance, while in the South they are rarely committed by negroes. Southern rural districts are more subject to pilfering and there is but little organized crime. The ease with which crime may be committed and the consequences avoided, leads to its increase.

Religion. — In the North where it exerts any influence it is a distinct barrier. The difficulty is that it does not reach all classes. College settlements, Christian associations, Sal-

vation Armies, etc., are religious movements which are more successful in reaching classes from which criminals come. But these do not exist for the negro: Salvation Armies are seen only in rare instances in the larger southern cities and Christian associations and college settlements not at all. The education of negroes in institutions founded by religious denominations include much training which will prevent criminality.

Negroes possess a religious form, emotionally conceived and having but little moral or ethical basis. Practical Christianity is known only to the few. Services, sermons, and prayers are intended to arouse sentiment and superstition, but not thought resulting in improved action. Religion as a growth through childhood is unknown. They must experience the definite consciousness of seizing it in some revival meeting, or else its existence is doubted. Their religion is characteristic of an undeveloped race. This must be so, for slavery did nothing to change it. The slave's religion was not rational. The life of the future world was emphasized, and but little stress placed upon daily living. It was not desirable that slaves should discuss practical things, and there has never been the application of religion to them. Religious gatherings are not infrequently the scenes of many quarrels and crimes, and during the excitement of "revivals" many acts occur that are both degrading and immoral. There are no restraining white influences, for the negroes are excluded from their churches, have their own organizations, and control their own affairs. The Catholic Church is an exception to this, but very few negroes are Catholics. There can be no question that the negroes' religion is inferior, and stands in the way of progress. It also prevents closer identification of the interests of negroes

and whites and a harmonious solution of the present problem demands a closer sympathy and affiliation rather than estrangement. Contempt for the negroes' religion must be changed to respect. The negroes' strong tendency to church affiliations can be used as a great educational and cultural agency. His nature is highly susceptible to religious influences, but these must be wholesome and permanent, rational and not hysterical, constructive rather than destructive, civilized instead of barbarous, educational and cultural as well as "spiritual."

Social Life. — Kind of associates and nature of the gatherings is closely related to crime. Institutions such as saloons, music halls, and inferior theatres predispose to crime, in that they often furnish the opportunities. These opportunities may be alcohol, under the influence of which many crimes are committed; formation of bad associates, or amusements and pleasures presented in an attractive way to weak and ill-balanced temperaments. Social gatherings among residents of crowded city districts center about these places, and associates within the homes are not carefully selected. The absence, and sometimes impossibility, of discrimination in relations of sexes, kinds of amusements, trades followed, etc., is the explanation of much immorality and criminality.

The social life of the negro is comparatively crude and simple and it is well known that he is excluded from social relations with whites. The line is more closely drawn now than in slavery. Now it is seldom that whites are present at a negro marriage, burial, or feast; then it was the rule. Upon some old plantations, where the semblance of slavery is strongly marked, there is some intermingling, but it is with regret rather than pleasure. The negro has not yet

attained the position where he is regarded as a man rather than as a negro. Indeed, this feeling is so strong among the older southern whites that he is still required to come to the back door and stand uncovered. While whites feel it is their duty to educate them, yet in sympathies and interests they are far removed. It is impossible that a race so recently in serfdom should hold any other position. Probably no other generation of Anglo-Saxons could have done more, for it must be remembered they were impoverished and had lost much that was dear to them—and this through the race which they were asked to elevate and protect. No body of men in the history of the world has ever had such a situation to face. There were no precedents, and criticism should be sparingly given if they are but slowly perceiving and responding to its need.

There is a misapprehension in the South of the idea of "social equality." They believe it implies marriage, entrance to homes, etc. The use of that term in the North does not mean mingling at the white's social functions, or entering the home, but economic, financial, cultural and educational conditions which will enable them to maintain similar grades in their own race and to have literature and recreations of equal standards. This requires the interest and coöperation of whites. The free intermingling of the two races is impossible, at least for many generations, because of a deeply-rooted social and racial prejudice and undesirable because it is not the best way to help the negroes. This will not prevent them from *reaching and maintaining similar grades* within their own race; and when these are established they will not demand social equality with whites for they will find within their own race what they need and desire.

Social life centers about the church, for there are few other organizations and clubs. Labor organizations are but slowly finding a place. This lack of organization is detrimental to the negro. The whites are more loyal in many instances than are negroes to each other, for the black race has not yet ingrained in it integrity and loyalty. This is shown in many ways. Negroes prefer white men on juries, because they give fairer treatment. Many negroes are sent to prison through malice. If a negro is undesirable in his neighborhood, and does not remove when requested, his neighbors combine and cause his arrest and their testimony imprisons him. In the data for fear, it is seen that not a few fear their own race more than anything else. The negro has been trained to be loyal to the whites and this still takes precedence. There can be little racial progress without racial integrity, loyalty and pride. The social life of the church is lacking in the fundamental principles that should make it a governing agency. Most of the excursions, picnics, parties, entertainments, cake-walks, and festivals have a relation to it. Leisure permits of much social intercourse, and this often leads to expenditures of money for finery and unnecessaries which keep the race impoverished.

The other great social center is the saloon, which is of more importance in towns. Many crimes are the result of fights caused by gambling and drinking. The many varied forms of physical recreation known to the northerner and the careful management of places of amusement are unknown, for the negro's gambling is not usually conducted in well-ordered establishments where he is subject to rules and restraints. There are cheating and interference in his game of "craps" which lead to serious fights. Frequently officers furnish money for gambling and later swoop down upon the

players. A well-regulated system produces fewer public criminals, for it involves restraints that make commission of crime less possible. The social life of the negro lacks direction, restraint, and healthy interests. It consumes too much time with trifles, and increases the opportunities for committing crime.

Æsthetics.—This has not received the attention commensurate with its power for the elevation of human life. A number of children who come to the reform schools from cities have never seen a grass plot or flower bed, the woods are vast mysteries, and pictures and music have no meaning for them. Vacation farms and camps give abundant testimony of nature's influence. Since greater attempts have been made at beautifying the cities, and sanitation and cleanliness have been more enforced; since model tenements have to some degree supplanted the old ones, and public schools have introduced this element, there is a more healthful tone among the people reached. Social settlements and workers in crowded districts place especial stress upon this element, and pictures, decorations, and music are found to stimulate an interest which is carried into their personal habits and relations. Anything which increases self-respect and develops an æsthetic appreciation has a tendency to prevent the depths of degradation and indifference in which some classes are found.

For negroes, the reader is referred to the chapter on "Sociological Data."

Politics.—These furnish many opportunities for crime, but only a small percentage of political offenders are found in the prison population, so that there is no way of estimating it. Swindles, frauds, corruptions are numerous, but the positions of the offenders enable many to escape.

The negro is practically disfranchised, and so revolutionary is the feeling of the whites that any attempt to force a change is useless. Mississippi, South Carolina, Louisiana and North Carolina have such laws, and Georgia, Alabama and Virginia are not adverse to them. The nature of these laws varies, but the purport is the same. It may be a poll tax, which the negro is incapable of paying; it may be an educational or property test; it may exclude all except voters before the war and their descendants; or it may be the simple method of not counting votes; but the result attained is the same. This movement is due primarily to the lack of foresight shown by the government when it gave negroes full political power. Influenced and backed by rascally northern politicians, and lacking both comprehension and judgment, the negroes committed acts which would have aroused any other nation of whites to action. Reactions are always violent, and whites are now returning the measure with interest. If the negro defrauded and domineered over them, that is a past condition of which only traces remain.

This movement upon the part of southern states is open to the just criticism that it is a discrimination against *race*, not ignorance. Fairness demands that the tests be applied alike to both negroes and whites. Without condoning the action of the states, it must be remembered that there is a political party standing ready to make the utmost capital out of such a move as disfranchising ignorant whites, and that many of these laws were passed through the influence of southern Democrats when a great national issue was pending. The result in relation to crime is clear. The race which furnishes the mass of criminals has no voice in making laws or in the determination of punishment. Education, property, health, business—in fact, all vital interests are af-

fectured by these. They are dependent upon the will and caprice of whites. They are handicapped, and are denied the stimulus to national pride and life, which is the highest form of restraint in criminality.

Yet the former negro politician did little for his race ; the tendency was downward then, whereas now it may only be stationary. At present he has neither the perceptions nor the stability of character to enable him to lead his race. While the laws passed are unworthy of Anglo-Saxons, they nevertheless furnish incentives for negroes to seek education and training that will bring financial and commercial independence ; and these will just as surely insure political rights. Meanwhile whites have taken upon themselves the burden of dealing justly by negroes.

Laws.—These determine what constitutes crime. The rigidity with which they are enforced has an effect both as a deterrent and upon statistics. In the North these are unequally administered as between those who possess position and wealth and those who do not. This is true in the apprehension of criminals, for minor offenses of some classes escape notice, while others do not. Thus, when students are disorderly and destroy property, the offense is often condoned, while others without position or influence are punished. This is true when the motive in both cases is desire for a "good time." Some loopholes of escape are pointed out in the chapter on "Relation of Criminal Sociology and Criminal Jurisprudence."

In the South, as between negroes and whites, laws are not always equally administered. In higher criminal courts negroes meet with more justice, but here the case is often hastily tried and they are assigned incompetent counsel. Cases involving years of penal servitude have gone through with

no counsel for the defense. Penalties are inconsistent, and in some states no distinction is made between petit and grand larceny. A negro may be seen serving a three-year sentence for stealing half a dozen ears of corn to feed his mule. His labor as a convict is worth about \$180 per year, so there is no loss to the state. On the other hand, judges sometimes pass over offenses for which a light punishment would be a good lesson. In the last report for South Carolina, the board requested pardons for some men who were serving life sentences for robbery, arson, etc., and recently the question of old laws with severe penalties has been taken up. The old generation of slaveholders, who had a warm feeling for them, are passing out of courts of justice and younger men are coming in, who do not feel the old ties established by slavery. Negroes are more numerous than whites, are valued less highly, and are dealt with more summarily. A southern officer put into intended humorous English what is really, though perhaps often unconsciously, the practice :

“If two white men quarrel and one murders the other, we *imprison* the culprit and then pardon him ; if a white man murders a negro, we *let him off* ; if a negro murders a white man, we *lynch* him ; if a negro murders a negro, we *hang* or *imprison* him.” The penal system is so lucrative to the states that the tendency is to imprison rather than hang, unless public sentiment demands it. When white men are arrested for gambling they are usually released or lightly fined ; but if found gambling with negroes they get the full penalty of the law, “just for the indignity of the thing.” This prejudice creeps in almost unconsciously.

Inequalities in pardons and of applications of parole and good time laws are clear. From the states where records of pardons were obtainable, only one negro to 34 whites re-

ceived them. Thus, if there were 200 white prisoners to 2000 negroes, more white men were freed during the year. Whites are often given the preference in parole and have less of their good time taken from them.

Lynch law is an interesting illustration of this prejudice. In the early years following the war the negro was lynched for one crime alone. Within the last six years nearly 900 persons have been lynched in southern states. Among the alleged causes are riot, incendiarism, robbery, larceny, stock poisoning and horse stealing. Five women are included in this number. In Augusta in 1900 a desperate attempt was made to lynch a negro editor for publishing some drastic matter upon elections, etc. Those who think laws are fairly administered will have some difficulty in finding parallel cases among whites. There is little excuse for the plea that the law will not take its course, for judges, juries and counsel are almost exclusively white men and are reasonably certain to mete out to negroes that variable quality called justice. Laws are not more equally applied to women. The negro is first a negro and then a woman, and she is not shown the consideration extended to white.

Density.—The congregation of large numbers of persons in cities is productive of crime, for this leads to many of the conditions enumerated. This is one explanation of the large number of crimes among negroes in the northeast, for the greater per cent. live in cities. In the South density of population is not an important consideration, except in the few large cities.

Physical and Psychical Characteristics.—In a study of criminals much stress is placed upon these peculiarities. Criminals do not possess traits or elements different from non-criminals, but they may be intensified and perverted because

of inadequate or unintelligent training. Some of the traits which predispose to crime and for which the child needs individual training (which few criminals receive) include: Selfishness, avarice, ambition, impulsiveness, quick temper, deceit, envy, revenge, vanity, jealousy, cruelty, deficient moral sense, immodesty, licentiousness, love of ease or luxury, craving for excitement, etc. So called "vicious" traits are present to some degree in all individuals and their predominance and excess depend often upon the training. These tendencies may predispose to crime if given a favorable environment, but they are not criminal in themselves. They are but expressions of natural instincts and desires. One illustration will suffice. Love of ease and luxury are deemed æsthetic when the individual has the means to indulge them. But when they predominate without these means, they lead to pauperism and vagabondage. A study of these traits in negroes in connection with their training will throw much light upon what seems to be "degeneracy of the race."

Beliefs.—There are many *ideas* which impel to crime. Persecutions under religious hallucinations are illustrations of these. Superstitions are sometimes a cause. Socialistic theories frequently lead to a disregard of others' rights. During strikes, the *sense* of justice demanded impels men to acts which would be abhorred at other times. Some are paupers or justify small thefts on the ground that the "world owes them a living." Many thefts are committed against the government or against trusts, because they are corporations, and the position of the individuals back of them is not apparent.

Among negroes these facts are even more true, for their beliefs regarding property and rights are erroneous.

Heredity.— In all studies of environmental influences it is difficult to separate that which is due to this and the part which heredity has. Mental and physical conditions of parents undoubtedly give children weak physiques, nervous defects, etc., but beyond the physical inheritance biology has not gone. How these weak physiques and ill-balanced minds would function in a favorable environment is not known, but where it does exist the possessors are not found to so great a degree in penal institutions, for others aid or protect them.

The Jukes family, investigated by Dugdale, and the Cretién family by Ribot are quoted daily in support of the theory of hereditary influence of crime. But writers have ignored the stress which Dugdale places upon environment. In the description of the first habitat, where the whole family of ten occupied one room and habits and modes of living were most disgusting and immoral, is given the key-note to the book. On almost every page occurs these significant statements: "The environment runs *parallel* with the heredity;" "environment *unknown*;" "environment unfavorable." In only one instance is a change to good environment shown and then the significant statement is that the woman being married to a good industrious man was leading a good life. In the face of these facts where there was no opportunity for improvement, this can be no argument for heredity.

Again, when children are placed in reform and industrial schools, they sometimes persist in crime and immorality and this is said to be "persistency of heredity." But many are received too late to eradicate the early impressions; institutions do not give the *individual* training which they need, and they are often sent to parole homes where they are not understood or loved. Again, in good families are seen both

criminal and non-criminal members. An analysis of the psychical and physical traits of these individuals in connection with training, might throw light upon this fact. It does not follow that in a family of good social and economic standing a child receives wise training or that peculiarly fitted to its needs, and there may be a laxity of supervision of time and associates which might explain much. It is a well-known fact that ministers' children are sometimes the most inadequately trained and it is a fallacy to assume that it should be otherwise.

In some instances where there are marked defects, mentally and physically, adequate training and direction may fail to attain a good result, but in the absence of such experiments this cannot be stated to be the rule.

These sociological factors, when grouped together, show some of the essential elements which must be studied with reference to crime, and they also reveal the limited data which have been gathered for the criminal classes, and upon which have been based such broad generalizations and conclusions.

CHAPTER VIII.

INCREASE IN CRIMINALITY OF WOMEN.

IT is unquestionably true that women are less criminal than men, but it is equally true that crime is increasing among them. Proof of this latter fact is found in the larger numbers in penal institutions, in the growing complicity in crime, in commission of crimes hitherto unknown to them, and in indiscretions and immoralities which indicate changes in standards.

Their actual criminality is much higher than is revealed by statistics for these chief reasons: (1) Women are less vigorously prosecuted than men. When indicted, judgments are obtained with greater difficulty and their punishment is less severe. A study of municipal court records reveals clearly the difference in penalties for the same offenses committed by both sexes. This is due partly to sympathy and to consideration shown by officers, judges, juries, attorneys and others who administer criminal laws. (2) The most natural form of crime is either prostitution or complicity. Prostitution is insidious, and is extremely difficult to prosecute if places are orderly and do not permit assaults and robbery. Where practiced by individuals in their homes rather than in established houses, it is impossible to determine its extent. In complicity in crime, women may be either instigators or dupes. The statistical result in either case is, that men serve longer sentences and increase prison populations long after women are released. Where women are instigators their part is more obscure, and is of such a nature that penalties are light.

When they are dupes the intervention of sympathy attains the same result. (3) Males exceed females in population by nearly two millions, so there is a larger number of them to commit crime. (4) Immigrants consist more largely of males, and these furnish a large percentage of criminals. (5) As nearly as admits of analysis, women commit misdemeanors and acts injurious to individuals rather than graver crimes. Many of their acts show a criminal intent, but are not within the pale of the law.

The female criminal class in the United States, when compared with that of foreign countries, appears larger. Several reasons may be assigned for this: (1) Foreigners constitute a large percentage, and they are usually from laboring classes. (2) These foreigners are subjected to unfamiliar temptations, as in large cities, and as servants, for many of them come from rural districts. (3) Male foreigners include convicts and undesirable elements and their criminality or poverty is often the means of degrading still more women with whom they are associated. (4) Negro women furnish a large percentage of criminals. No other country has a population so distinct and slow to identify its interests and habits. (5) Economic conditions are more favorable for commission of crime by women than in most countries.

In all countries the determination of the criminal class is the same. The number of convictions and imprisonments is the only accurate method yet devised. This represents less than one-third of the actual commission of crime, for some criminals are not apprehended or reported, and there are a large number of released convicts. Such a method also includes some who are not guilty.

But inequalities in administration of laws and defective statistics offer no explanation of the causes of increase in

criminality among women, and prevention depends upon understanding these.

There are numerous theories given for this small degree of criminality. One is that women are created from a finer clay, and are inherently more moral, more virtuous, more æsthetic, than men. This view unfortunately dates its belief from the time of creation, and does not recognize physical and social conditions which through the centuries have been instrumental in the process of civilization. Another view is that women are not developed but have faculties and emotions analogous to those of the child. The difficulty here is that different physical functions and different social and economic conditions are held to produce under-development rather than a varied one. These illustrate the unscientific nature of most of these theories.

The influences which have been ignored in these and other views may be grouped into two classes—biological and sociological. Under biological are included the following elements :

Men are more katabolic than women. Owing to differences in sexual organization among all animals and early tribes, males have been endowed with stronger physiques, greater passion and larger brain capacity. These were essential, for upon them devolved protection of the mother and family and the supply of food. These were originally, and are to-day among many tribes, the sole objects of existence. All females devoted their time to the family and the anabolic more than the katabolic nature was required. Here conservation of energy was the prime necessity, but of the male great expenditure of energy at irregular intervals was of more importance. Through centuries of experience in this kind of life, these tendencies have been strengthened. But

this fact is not necessarily an indication of incapacity, for in tribal life there are exceptions to this rule. Among some Nicaraguan tribes, husbands are slaves and perform the labor while wives attend to matters of government and war. Among the Dyaks of southeast Borneo, women lead men in war and exercise the authority of chiefs. Among the Naiars on the Malabar coast of India, the husband is a mere incident to the social organization, and women's power is absolute. In the present day their position in the economic and intellectual world indicates that with the suppression of energy-conserving functions development in other fields is possible. Many women are supporting families and are adapting themselves to a complex environment quite as successfully as men. The point which is emphasized is that the capacity for good or evil, which in general distinguishes the sexes, finds its explanation not so much in sex as it exists, but in the influences and conditions which have determined these characteristics. That these have a great effect upon psychical traits and physical habits is illustrated by Darwin when he shows that where parturition was the function of females, but males assumed charge of the young, the former acquired all the pugnacity and prehensile organs of the latter, while they remained docile and without these organs.

When through the long process of variation, the plane of human existence was reached, and moral sense developed, in degree at least it must have been equal for both sexes, though in kind it may have differed in accordance with physical and social conditions. Thus, for women the moral sense would embody more of virtue by reason of her more intimate relation to the child and because her interests were more personal and narrow, while with men rights of prop-

erty and those growing out of such administration of justice as existed would be more prominent. Indeed, this same distinction is perceivable to-day, even when women's horizon is much wider.

Because women were more protected from stress of life, were necessarily more inert (because not called upon to make frequent migrations, or to seek food, and were confined to the home and labor about it), and possessed powers which were developed only to the extent which conditions required, it cannot be said that they possessed a moral superiority from the beginning. There must be *opportunity* as well as *inclination* for commission of crime or for immorality and women's position—often that of slaves—did not favor these. Their sanction of crimes of men show them to have been either slaves without influence or else of similar moral breadth. Individually women may be above prevailing moral standards, but collectively they assist in establishing them, and their moral sense is reflected as truly as is that of men.

This physical capacity for expenditure of energy instantaneously and abundantly, which has been developed by the need of sustaining and protecting a family, and which is maintained by the same necessities to-day, has an important bearing upon both extent and kind of crime.

Because of inferior strength women are incapable of committing some crimes. They resort to subtle rather than brutal acts, as use of poisons. In crime against person as homicides, burglaries, assaults, etc., women are instigators to rather than committers of crime. Where in violence and cruelty their crimes have equalled those of men, ability to plan and strength to commit them are present in equal degree or maternal instincts are deficient, undeveloped, arti-

ficial, or abnormal. By artificial or abnormal is meant such as the following: In the Joliet penitentiary is an habitual thief who when in prison mourns constantly and in a most pathetic way for her children. When out she abuses and uses them to steal for her. She often simulated grief to appeal to sympathies of visitors.

It is a familiar statement that women are often more powerful, ferocious, and vindictive than men, and fall to greater depths of degradation. A careful analysis of histories of crimes shows this is misapprehension due to the fact that they are rarer among women and when they do occur they are more horrible and receive more emphasis. Neither in brutal treatment and abuse of children nor in commission of crime do women exceed men, if only *crimes* are compared and all idea of sex is ignored.

The physique and nervous system of women are such that such criminal tendencies often culminate in hysteria, insanity, immorality, epilepsy and sexual anomalies rather than in the commission of crimes. Thus, an excess of passion in men, when not depleted through proper channels, leads to assaults and sexual crimes, while in women it more often culminates in mental degeneracy or physical perversion and disease.

The criminal age is less in women. Abortion, infanticide, prostitution and crimes of passion are limited by the period during which they may be committed. Crimes of passion extend over a shorter time because women become sexually indifferent at an earlier age than men, and prostitution causes physical enervation and shortens life. Dr. Sanger, in an admirable study of more than 2000 cases, finds that physical health is impaired and that the life of the American prostitute is shorter than that in any other country, especially

when the social grade is low and economic conditions are unfavorable.

Crimes of women are more insidious than are those of men. Prostitution, infanticide and abortion exist to an alarming degree, and on the ground of public policy alone are among the gravest, for they strike at the roots of society by decreasing population, or by restricting the increase to more undesirable elements of the community. The effect of abortion is twofold : It has a tendency to blunt the moral sense and decrease maternal sentiment, and it undermines the health of mothers.

Women's incentives to crime differ from those of men. Emotional causes—love, hate, revenge, vanity, etc., hold a large place, while among men social, political and economic causes are equally important. Thus crimes against society and person which involve these emotional elements show 38 per cent. for men and 71 per cent. for women, while offenses against government and property, which are more political, social and economic, show larger percentages for men. (U. S. Census, 1890.) Emotional incentives often lead to a large number of petty acts. Gravity is only one element in crime, and though it is the most emphasized, repetition, intent and quality of acts are important in the determination of the criminal sense of communities.

These are briefly some of the biological conditions which influence the degree and kind of criminality of sexes.

The social evolution of women has been toward freedom and wherever this is true commission of crime has been favored, for the opportunities have been increased. This is seen in the emancipation of the negro race, for they are more amenable to laws and have greater opportunities for commission of crime. There are upon the statute books of England

many old laws which show that women were so closely bound to their husbands that they could not be tried separately and were not considered in law as responsible beings. Some social and economic changes which explain increase of crime include :

Whenever women are entering new vocations there is an increase in criminality. Increase of women in the business world has been rapid. The report of the Commissioner of Labor shows that from 1885 to 1895 there was an increase of 38,120 among single women and of 5388 among married women. In 1895 women were employed in 90 different grades of domestic work, in 56 different grades of manufactures, in 9 trades (each having many subheads) and in a large number of professional and miscellaneous occupations. Violations of election, postal and revenue laws, etc., regulations for public health (as adulteration of foods), etc., are few among women, because the opportunity does not exist, even if the tendency is there.

Women commit fewer crimes against public policy by reason of inferior positions in the business and industrial world. In Greece and other countries where the life is still almost entirely domestic, there is a minimum amount of crime, while in Scotland where they have great industrial privileges, the percentage rises to 37. Incapacity for adaptation to economic order results in discouragement, pauperism and crime, and whoever comes into direct contact with this order must possess this power or accept the alternatives. Dr. Sanger's analysis of causes of prostitution shows the importance of economic as well as social conditions. Out of 2000 cases, 525 were due to destitution ; inclination, 573 ; abandoned, 258 ; alcohol, 181 ; ill-treatment, 164 ; easy life, 124 ; bad company, 84 ; persuaded by other women, 71 ;

idleness, 29 ; violated, 27 ; abandoned immigrants, 24. An analysis of "inclination" might give further light upon economic conditions.

Positions of responsibility and trust furnish opportunities for crime and as women enter these they are subjected to their temptations. Special opportunities develop special crimes. Thus, banking furnishes means for embezzlement, absconding, forgery and frauds. Increased business life leads to such social organizations as club houses, saloons and political and socialistic gatherings, etc. These places are not necessarily sources of crime, but they furnish opportunities for exchange of ideas, for meeting associates and for entering into negotiations which are productive of evil as well as of good. These are not frequented to a great extent by women, partly because of inclination, habit and custom.

Alcohol and other stimulants and cocaine and other drugs are prominent in commission of crime. Women use these less than men, although with increasing freedom it is becoming more general. The physical structure, social nature of men and opportunity for indulging it, their greater prominence in the struggle for existence, and desires to escape responsibilities and suffering lead to their greater use. Men have more variable natures and the field in which to expand their energies must be greater. Women have less sensitive physical organisms and endure pain and privation better. Their habit of conservation of energy is more conducive to endurance than is the more katabolic nature of men. The increase of stimulants appears greatest among women where the struggle for existence is severe and recreation is restricted, and an anodyne for physical or mental suffering is needed. Among classes where there is much freedom and lack of

real purpose or interest there is early exhaustion of pleasures calculated to cover longer periods.

Men congregate in separate bodies more than do women, and there are conditions within such organizations, as militia, mining camps, etc., which are favorable to commission of crime.

The combative attitude which is so essential in competition is destructive to the finer sensibilities with which women are credited, and these instincts are a protection against commission of crime. Refinement, culture, and morality develop best when competition is not so sharp.

Selfishness lies at the root of much crime, and ambition and pride are variations of this. In some instances women in the business world are not subjected to temptations in the same degree. Many of them have homes and are not dependent upon salaries but want something to fill their time. In these cases they are not tempted to speculate or exceed their salaries. But there is the other extreme. Wages of many women who have not such homes are so low that there is a direct temptation to immorality and crime. In these cases the stories of thousands of "shop-girls" show how they can withstand them.

Death of husbands or male members of families leads to criminality whereas deaths of female members do not produce such results. A study of workhouse inmates shows that the route to immorality and crime has often been by way of intemperance, when women have been thrown upon their own resources. Crime is increased by reason of larger numbers who come to the cities and are only enabled to make small savings. Extension of child labor increases crime, because it removes the child from parental training and education.

Criminal organizations are greater among men, primarily because they banded together, first in defense of the family, and later of the tribe, community and state. Rarely have women's organizations existed for perpetration of crime. This is due partly to their weak power of association, faithlessness to their own sex, deficiency of capable leaders, and lack of incentive for such organizations. These cliques not only increase the number of crimes but also shield criminals. The Mafia and other organizations are too well known to need exemplification. Where women have developed this spirit of association, as in houses of prostitution, crime has become more varied, is more advantageously conducted, and is more difficult to prosecute.

The broader education of men has given them greater capacity for devising forms of crime. This education may consist of either knowledge or experience. For this reason they are more susceptible to criminal contagion. This is seen in imitative crimes (by the weak or morbidly inclined) which follow newspaper accounts of unusual and atrocious acts. Women's imitation often takes the form of emulation, and they are more content to send flowers, notes and presents to notorious criminals.

Maternity is more influential than paternity in preventing crime because of the more intimate relation of the mother to the child and the home. Maternity may determine the nature of crime, but is usually subordinate to some other agency, as where infanticide or abortion are caused by considerations of honor, finances or desire for social freedom or pleasure. Sexual indifference of women, particularly of mothers, where passion is held in abeyance by demands of motherhood. Seclusion which the home gives from the temptations of business life. Healthful interests and outlets

for physical and social energy. A study of crime among women shows that in a large percentage of cases these influences do not exist, are nullified or are unfavorable, as where they are homeless or children are deceased or lost.

Religious sentiment among women is stronger, due partly to their superstitious natures and unwillingness to yield faith to reason. In their religion there is a large element of fear of incurring divine displeasure which acts as a greater restraint than in men. Women are also less willing to assume risks. Religion has been a great source of epidemic crime, and men have been most prominent in its persecutions, but have made them in behalf of some fixed belief.

There is no problem of criminality among white women of the South. In the cities there are but small numbers in workhouses, and the average is less than three each in the eight state institutions. This is due to several conditions: There is no white servant class, and a great percentage of female criminals claim to be domestics. There are but few large cities and female criminals are found almost exclusively here. Only a small percentage of white women are industrially employed. When they work in cotton factories and mills these are often located in towns or villages and the community is small and its members are well known to each other. Often a community is built up about such a mill and does not extend beyond this. Southern women do not to the same extent enter trades or professions for pleasure or profit, unless there is some other motive. The attitude of southern men is less encouraging to female labor. Laws are not enforced against women, even to the degree in the North. They are often pardoned when convicted, because of the harshness of the penal system. There are but few criminal gangs and women are not accomplices in them.

But the facts for negro women are very different and conditions are such that they cannot well avoid immorality and criminality. They constitute the domestic class, although they work in all the trades open to them. Necessity compels them to work and the negro men do not discourage it. The attitude of white women is not a protection, for many of them are indifferent to their husbands' or brothers' relation with negroes. This is changing as they get farther away from the precedents of slavery. White men have little respect for the sanctity of family life of negroes, when they would hesitate to enter the Anglo-Saxon's home. Negro women are expected to be immoral and have few inducements to be otherwise. Religion is more often a cause than prevention, for the services are frequently scenes of crime. Physical senses so largely predominate over the intellectual and spiritual perceptions and but few attempts have been made to develop the latter. The laws against morality are laxly enforced. Whites within their own circles would not countenance acts to which they are indifferent in negroes. There are small opportunities for negro women to support themselves through occupations other than menial which are filled with grave temptations. On the other hand, rural districts prevent the tremendous increase of crime which would be incident to such conditions in cities.

This consideration of causes of increase of crime is not an argument for or against the increasing freedom of women. It is but an impartial analysis of some of the forces which are operative and these show unquestionably that as women receive more freedom they must in the same degree accept its perils; as they enter vocations they must be subjected to its temptations; as they leave the home its preventive influence is removed; and as their environment changes there is a corresponding change in their natures and demands.

CHAPTER IX.

PENAL AND CORRECTIVE INSTITUTIONS IN THE NORTH.

THESE are so familiar to most readers that only a brief outline is given for purposes of comparison.

They are divisible into three classes—state, county, and municipal. State institutions include penitentiaries, reformatories, and industrial and manual training schools. The county system is represented by jails and the municipal includes police stations, workhouses or city prisons and parental schools. The details which follow are characteristic of the whole system, although individual institutions and states may have inferior or superior management and methods.

The most important features may be included under the following heads: System of control, buildings, labor, discipline, food, clothing, recreation and intercourse, education, cultural and social influences, as religion, etc., and medical care.

System of Control.—The superior officer in the penitentiary is the warden; in the county jail the sheriff; in all other institutions the superintendent. In all except jails these officials are responsible to a board or commission. The members of this are elected or appointed and are directly responsible to the state or municipality. In penitentiaries the corps of assistants responsible to the warden include such as chaplains, resident physicians, instructors, guards and others as engineers, mechanics, etc. In reformatories, industrial and manual training schools, matrons are added and the corps of teachers and instructors is increased. In work-

houses there are no teachers and guards are in the male, and matrons (whose main duty is disciplinarian), in the female department. In all institutions where women are incarcerated, matrons are provided. Wardens, physicians and chaplains and occasionally instructors are appointed by the boards, and teachers, guards, matrons and other assistants by the chief officer. In rare instances appointments are made upon Civil Service examinations, as in New York and Illinois. With the exception of the superintendency of the women's prison at Bedford, N. Y., chief officers are political appointees. The position is almost universally regarded as a "political plum."

Buildings.—There are three plans. Penitentiaries and reform prisons are represented chiefly by the congregate system. Here buildings are surrounded by stone walls. They include blocks which contain tiers of cells, one being designed for each convict; shops where various industries are carried on; hospitals, storage and power houses, etc. The administration department is usually the main building and is also within the walls. In some institutions buildings are arranged in a quadrangle and take the place of walls. Workhouses are similar in construction, although they do not often cover such large areas. Some correctional institutions have large buildings which are divided into flats or sections and the family plan is carried out. They rarely have walls and are usually remote from cities.

The separate system has but one representative in America—the Eastern Penitentiary at Philadelphia. Here each cell is a small room and has a yard nearly the same size just back of it. The prisoners eat, sleep and work here and the yard is for recreation. They never leave the cell or see the other prisoners. These rooms face into long corridors and

are built in long wings which are joined to a circular building. When standing in this circular room all corridors can be seen by simply turning around. These wings are but one story high. Buildings are enclosed by a wall. As the penitentiary is inadequate to the demands almost all cells now contain two persons.

For correctional institutions the cottage system is most favored, although some still retain the large buildings. In the latter there is one main building which usually contains the administration department, dining-rooms and kitchen. This is surrounded by cottages in which the inmates live, and by shops where they work. In a few institutions the dining-room is in the cottage.

Penal institutions for women are separate from those of men. They may be in different walls or localities, or in an isolated part of the same institution. In workhouses usually one wing is given to men and the other to women. Correctional institutions do not contain the same sexes.

Ventilation, Sanitation, Etc.—Ventilation by means of windows is the usual method. There are different degrees of sanitation, heating and light. In penal institutions and workhouses pails are still used, while correctional institutions are fitted with bath rooms. In some only the building containing the cells is heated, while in others the latter are also heated. Some penitentiaries permit lights until nine o'clock and encourage reading; others do not. As a rule lights are not furnished in workhouses. Gas and electricity are used chiefly. In correctional institutions light and heat similar to those used in dwellings are provided.

Furniture in prisons and reformatories consists of a bed, usually fastened to the wall or made of iron, and, perhaps, a table. Prisoners are allowed to furnish their cells. In

workhouses the only furniture is a bed. In penitentiaries cells accommodate one or two, in workhouses from one to eight. In manual training and industrial schools the rooms may have dressers, rugs, chairs, etc., and the beds are for one or two. In the dormitory plan rooms are similarly furnished.

Labor.—In penitentiaries, reform prisons and workhouses, there are three methods : Contract, state account and piece price.

Under the contract system, labor of prisoners is sold by the state at a per diem price for each man employed. The contractor (or state) furnishes machines and material and such instructors as are necessary for successful employment of men. The government retains, theoretically, full control of discipline and all other interests affecting prisoners. Contracts may extend for a term of years.

Under state or public account the institution puts in the plant, pays for cost of production, directs labor, and puts the product on the market. The state is the capitalist and it reaps the profit. Some advocates of this plan limit the product to the manufacture of articles which can be used by the state.

The piece-price plan is conducted upon the contract method. The contractor furnishes machinery, material, expert instruction, and receives the goods when finished, while the state under charge of regular prison officials undertakes to do some specific mechanical work for a price per piece or process. In some instances all that a prisoner makes over and above his keeping is divided between himself and his county, if his county pays for his support. Under the contract plan they may receive pay for overtime work. The hours vary from 6 to 10. In some institutions where the

task system prevails, they may be short or long according to the ability of the individual; in others, where the regulation is by hours the average is from 8 to 10. Industries are usually manufactures of shoes, furniture, tin goods, clothing, printing, etc. Stone-cutting and outdoor work are added as facilities permit. Care of prisons devolves upon convicts and this takes a large force. Work is determined by the convict's ability, knowledge of trades and by vacancies. Trades or parts of trades (as where machinery is used) are taught.

In women's prisons labor differs, sewing, chair-caning, laundry and other similar work forming the bulk of it. Hours are the same as for men in some institutions, but the tendency is in favor of shorter hours. Women work under the same systems.

Labor in workhouses varies only in its limitations, for there are fewer manufactories, and less variety of work. Women's work and hours are much the same as in prisons.

In correctional institutions labor is of two kinds. Nearly all institution work is done by inmates. In addition they learn a trade and in some instances work on a farm. It is so arranged that the inmate has half a day's work and half a day's study. For girls the duties of keeping up the institution, sewing, laundry, etc., takes up the time. Manual training has not been widely introduced and domestic service instruction is prominent. There is little attempt to secure revenue through labor.

Discipline.—This is rigid. In most penal institutions silence is required of prisoners at all times unless there is more than one in a cell. The lock-step is still used in some institutions. Punishments consist of whipping, tying up, dark cells, deprivation of food and privileges. In some in-

stances extreme measures as steel cages and turning on the hose may be used. In the workhouses whipping is not much used, the other forms being more common. In industrial schools the punishments are quite the same, but here strong rooms, straight jackets, strong chairs and similar appliances are to be found. In some penal and in most correctional institutions the merit system exists. The kind of work, privileges, and honors accorded to inmates depends upon behavior. This is one of the most successful modes of discipline. Some few institutions have abolished corporal punishment entirely. Where social intercourse is permitted, silence is very effective. Certain grades of clothing indicate degrees of behavior. Some institutions place newly arrived inmates in solitary cells for a short time.

In workhouses greater freedom is allowed. Scenes of disorder, quarrels, etc., are not infrequent and this is due to the free intermingling of inmates. Short sentences and physical conditions of many of them make regular work and consistent discipline difficult. As a rule punishments of women are less severe and they are whipped only in extreme cases.

Food.—In different institutions quality and kind may vary, but these general statements are in the main true. In all institutions it is prepared, under the direction of a superintendent, by the inmates. One large kitchen and bakery is used and food is served in one large dining-room. In rare instances in the flat or college plan it is served in small dining-rooms. In penal institutions the service is designed for convenience and usually consists of a plate and spoon and bowl, and may include a cup. These may be of stone, china or tin. Most institutions allow no knives or forks, others, as workhouses, allow only a tin soup pan, spoon

and plate. Table cloths are rarely used and the plain boards are carefully scrubbed. Meals are given at a stated time and must be eaten at tables. In corrective institutions the serving of meals has a cultural and educational element. For instance the first grade may have white table cloths and napkins and better dishes and the second red table cloths and no napkins. Spoons, cups, saucers, plates, knives and forks are used. Table manners are taught and the children take an interest in the appearance of the dining-room and tables.

The food used is wholesome, and generally of coarse variety. On holidays luxuries are permitted. In penal institutions meat and vegetables are given once a day. For breakfasts and suppers bread and coffee are the staple foods. Dried fruits and canned goods are sometimes used. Groceries, as sugar, salt, vinegar, etc., are, of course, supplied. Butterine is used in some institutions. In addition, industrial and manual training schools use cereals, as oatmeal, and syrup and milk. Fresh meat is not always given daily. Staple vegetables are potatoes and beans. The diet in industrial and manual training schools is most varied, that of penitentiaries is second and that of workhouses least so. Some penitentiaries allow prisoners to have food brought from the outside. Industrial and manual training schools discourage this practice, and forbid inmates asking for it. Fruits and candy may be admitted, but most institutions do not favor it, for it is a source of much annoyance and promotes jealousies and discords among inmates. Some few grade foods according to the rank of inmates, based upon conduct, but the more general rule is the same for all convicts. In hospitals it is adapted to meet the needs of the various cases.

Clothing. — In penal institutions cloth of a uniform grade

and color is used and the weight corresponds to the seasons. Some institutions retain stripes, while others use different colors to denote various grades. In workhouses underclothing consists of but one garment; in penitentiaries full suits are allowed. Weekly baths are compulsory. Tub and shower baths are the most common although the old tank system is still found.

In correctional institutions no stripes are worn and the clothing is not necessarily uniform in color or pattern. Full suits of underclothing are provided. Ribbons, ties, etc., but no jewelry, are permitted as ornaments. Clothing for Sundays is more elaborate. Weekly baths are compulsory.

Recreation and Social Intercourse.—In penitentiaries, with the exception of holidays, the only recreation is reading. For women the rule is more liberal and they are sometimes allowed to talk in the yard. Physical exercise out of doors is rare. In reform prisons, as Elmira, drills, marches and other forms of exercise, as well as gymnastics, are a part of the work. The distinctive feature of northern prisons is that men are not allowed to mingle or hold conversations with each other. This is true in the workshops as well as elsewhere. It may be said that there is no social intercourse and a minimum of physical recreation.

In correctional institutions play hours are permitted and social intercourse is only restricted as between classes. Thus, where the flat or cottage systems are used, members of each one congregate together. Some institutions allow all inmates to play together, others do not; some permit conversation at all times, others restrict it in workshops, at meals, etc.

In workhouses no provision is made for recreation. Social intercourse is unrestricted except when inmates be-

come quarrelsome. There is no attempt at reformation and rigid discipline is difficult, so there is but little ground for restrictions.

Education.—In prisons education is not a prominent feature. Occasionally there are night schools, conducted by the chaplain. Men are often taught trades. Reading is encouraged and nearly all have libraries.

In reformatories, education is prominent. Mental training includes such studies as reading, writing, arithmetic, history, geography, etc. Reading is directed and encouraged and plays and entertainments of a literary nature are sometimes given.

In industrial and manual training schools mental instruction is important and covers all elementary subjects. Boys are also taught trades and girls different branches of domestic service, sewing, etc. Libraries and reading rooms exist in almost all of them.

In workhouses there is no mental or manual training and occasionally a library is provided.

Cultural Influences.—Religion is the most prominent in addition to education. Almost all prisons and reformatories have resident chaplains who are in close contact with inmates and may see them daily. Religious services usually consist of chapel Sunday morning. There may or may not be Sunday-school work. A very few institutions have a mid-week service. The Eastern Penitentiary at Philadelphia has no congregational chapel service, but each prisoner is visited by a chaplain.

In industrial and manual training schools the Sunday-school is a feature, and one evening is quite frequently devoted to what corresponds to prayer meeting. Services are also held on Sundays, conducted by volunteers from without the institutions.

Workhouses as a rule provide for a Sunday service but do not always have a resident chaplain. Volunteers from various churches conduct the services. Among other influences which have a cultural tendency are such as: bands and concerts, permission to decorate cells, surroundings which engender cleanly habits and entertainments.

Medical Care. — All institutions are provided with hospitals. These may be isolated buildings with excellent equipment, as is the case with many prisons, or they may be a part of a building as is the rule in industrial and manual training schools. Where cottages are used one building may be set aside for such purposes. Workhouse hospitals are almost invariably in the main building. Prisons and the greater numbers of reformatories have resident physicians, but in some they live outside and make daily calls. Where they are resident in the industrial schools they sometimes aid in the disciplinarian and educational work. For girls women physicians are employed.

Jails. — Present conditions are so different from state and municipal systems that they are considered separately. They are for the detention of accused persons awaiting trial and for those serving short sentences. The chief officer is the sheriff and his assistants are turnkeys and matrons. They are usually large buildings and are not as a rule surrounded by walls. They contain one large room into which prisoners can be turned in the daytime, or may have large cells and a wide corridor which can be used for exercise. Sanitation ranges anywhere from all modern methods to those dangerous to the health of occupants.

Ventilation may be by windows in each cell or by main corridors. Some jails have adopted steel cells. This consists of a large cage (containing a number of cells) erected in the center of the room and having a corridor. It is barred

upon two sides, but between the cells there is usually a solid wall. By such an arrangement occupants can be freely inspected. During the day they are turned into the corridor, but they are at all times in this cage. Sanitation, light and ventilation are usually good. In some few instances those sentenced to jail for short periods are put at work, as where wood yards, stone yards, etc., are established. The rule is, however, to maintain prisoners in idleness. Discipline depends upon officers in charge. Order is required, but beyond this there are few regulations. Punishments are sparingly inflicted and are such as the dungeon, deprivation of food and privileges. Food differs but little from that used in other institutions, but may be more plentiful. Food from outside is in most instances allowed. It may be served in one dining-room or in cells, and the utensils resemble those of other institutions. Clothing is not supplied. Recreation consists in what reading can be obtained through friends, and the exercise is that which the corridors or assembly rooms make possible. In a few, prisoners are allowed in the yard. Social intercourse is not restricted and in most instances young and old, convicted and unconvicted, hardened criminals and first offenders visit together, smoke, play cards, and otherwise amuse themselves. Attempts have been made to separate inmates and in some instances as in connection with the juvenile court of Chicago, boys are kept separate. No education is attempted. Medical care is from outside physicians, and hospital accommodations are limited. If they exist at all it is usually one large room set apart. Few attempts are made to provide cultural influences, although some institutions favor services for Sunday morning and one or two have introduced libraries. The sole purpose of jails is to keep prisoners safe and in good health, until they are released or some other disposition of them is made.

CHAPTER X.

PENAL SYSTEM IN THE SOUTH.

WITHIN the past decade there has been but little systematic investigation among southern prisons. The purpose of this study is twofold—to present conditions for the whole United States and to secure to the South recognition of its efforts during the last decade. Occasionally newspaper reports reveal conditions, but little is known of efforts which are being made and of reforms which have been introduced. The data are presented in the same order as for northern institutions but details for states are given, for the variation is greater than in the North and conditions are less familiar.

The system comprises three branches—state, county and municipal. The first includes penitentiaries, farms and camps; the second, jails, farms, chain gangs and reformatories; the third, places of detention, stockades and street gangs.

Method of Control.—Where there are penitentiaries or the states maintain convict farms the head officer is the warden or superintendent; in all others it is the contractor or lessee; in jails it is the sheriff; on county farms the contractor; in reformatories the superintendent, and in the city prisons a superintendent or chief of police. Where the chief officer is the contractor or lessee the “warden” is state inspector as in Louisiana, Georgia and Florida.

The commission or board is comparatively new, except in states as Virginia and North Carolina, where the lease system has been longer abolished. Previously chief officers

were responsible to railway commissions, if the men were leased to railways; or to agricultural commissions, if they were leased to mines or upon plantations. All southern states, except Florida, now have prison boards, and in the latter the Commissioner of Agriculture is the responsible head. Members are elected or appointed, the latter being the custom. Reformatories have boards, but city prisons are rarely so governed. Assistants of wardens and superintendents are overseers, and employees as mechanics, guards, etc. The institution may have a business manager in addition to a warden, as in North Carolina. There are no chaplains, physicians or teachers in residence in any institutions. Turnkeys assist sheriffs. In a few women's departments there are matrons, but in Mississippi, Louisiana, Georgia, Florida and South Carolina, they are under direct supervision of men. Assistants are more frequently appointed by boards or contractors than by wardens, for the latter's position is variable. The offices of warden, superintendent, etc., are political appointments. In two states wardens are not in residence at the institution and have large business interests outside. Where wardens are inspectors they are only empowered to visit the camps once or twice a month and report their conditions and treatment of convicts. They sometimes have 25 camps to visit and these are scattered over the whole state. Superintendents of reformatories constitute the educational as well as administrative force.

State systems are three: state farm, lessee, and industrial. Some states combine the three. In the first the state owns or leases farms or works them on shares and retains full control of all convicts and profits. In the second they are leased for a stipulated sum per year or per convict, with some degree of state inspection. In the third the state con-

ducts industries for its own profit and retains full or part control of convicts. Mississippi has the state farm system, Louisiana and Florida the lessee system, and Georgia, Alabama, North Carolina, South Carolina and Virginia combine them, as do also Texas and Arkansas. Details of systems follow.

Buildings. — Virginia, North Carolina, South Carolina, Louisiana and Alabama have penitentiary buildings of stone. In the two last named they are used for hospitals, for only disabled and sick prisoners are kept at "the walls," which is the name applied to them. It is the state's "resort" for convicts unable to work at camps.

In all states except Alabama penitentiaries are at the capital, on the outskirts of the city. In the latter it is at Wetumpka, a short distance from Montgomery. They consist of administration buildings, cell blocks, manufactories, store-rooms, and occasionally a chapel and are surrounded by walls. North Carolina is the only state which has guards on the walls. Buildings are not unlike those of the North except they are smaller and are frequently wooden. In Louisiana and Alabama the factories are in a state of decline and are not used. In North Carolina the building for the criminal insane is in the same enclosure.

Two of these prisons are of interest. The Baton Rouge prison was attacked by Gen. Ben. Butler in the southern campaign and the records were stolen and all the prisoners released. The records were recovered, but the northerner hears the story as a matter of course. The main building in the Virginia prison at Richmond was designed by President Jefferson after his administration, from European plans and is in the form of an ellipse. His idea has never been carried out for but half of it is constructed.

In penitentiary buildings the sanitation and ventilation are the same as in northern prisons. In all institutions heat is furnished, though in some it is provided by small stoves in each cell. Until this year it was not supplied in South Carolina. In Virginia and North Carolina convicts furnish their own light, in South Carolina it has not been allowed until this year and the state provides it. Alabama furnishes light and Louisiana none.

The southern penitentiary has served its purpose. Before the Civil War they were used to confine the few white criminals, for slaves could not be spared to go to prison. When the freed negroes began pouring in, these buildings were inadequate and have been gradually abandoned and put to secondary uses, as hospitals. Many buildings are in a state of decay and the air is not one of thrift.

With these exceptions buildings are rude wooden structures often called "cribs" and are found on plantations and in camps. When they are surrounded by a high board fence they are called "stockades." These buildings contain one or two large rooms, varying from 40 to 200 feet in length. There are sometimes smaller buildings for dining-rooms, kitchens, etc. In Louisiana the building for women is about 40 by 20 and accommodates 42 inmates. It is located in a pig yard and these animals root around and through it during the day. In men's camps the buildings are similar and are equally crowded. In Mississippi convicts live in the rudest buildings and some have open sheds for dining-rooms. In Alabama at the state farm the buildings are larger and include a dining-room and kitchen and are inclosed in a stockade. At mining camps buildings are commodious and each convict is allowed to furnish his portion with what luxuries he can buy. In Georgia and Florida at the camps,

buildings are rude cribs and sometimes sheds. But at the state farm in Georgia new and commodious buildings have been erected. Here dining-rooms are provided but not used in summer. South Carolina, North Carolina and Virginia house the men who are leased or are on state farms in similar wooden structures. On farms these buildings are near the center of the plantation; at camps they are near saw-mills, turpentine stills, phosphate mines, etc., and at coal mines they are connected with the shafts so that men are not in the fresh air from one week to another.

Furniture.—Beds are furnished in all institutions except city prisons. They are rude bunks built as in steamers or are double wooden beds swung from the ceiling by wires. There is no other furniture except where convicts furnish it or in penitentiaries where chairs are provided. In one or two instances single beds are used.

Ventilation is furnished by windows but these are closed at night. Cribs have from two to more windows but they are sometimes closed with wooden shutters to prevent escapes. Where open sheds are used there is no question about ventilation. Sanitation may consist of closets within sleeping rooms or of pails. Both systems are bad in closed rooms. Heating is by means of stoves. In Georgia until recently (and complaints are still made) some buildings were heated with large bonfires in the middle of the room. Louisiana, Mississippi, Georgia, and Florida provide no lights but they may be permitted if furnished by convicts. Alabama provides lights until 9 o'clock and at the camps lights are provided by the contractors and by the convicts. In North Carolina, South Carolina, and Virginia lights are rarely furnished at the stockades.

Labor.—It may be said that all the systems center about

this, and most of the changes made have been with a view to increasing profits. All state penal institutions are not only self-supporting but make large profits from convict labor. State methods of labor include :

Mississippi has adopted the state farm system more completely than any other state. Before the Civil War the prison population was about 125, all whites. At that time manufactures were conducted within the prison. After the war the negroes began coming in, and in the reconstruction period of the state the convicts were turned over to a lessee. He had full control of them, and was given a bonus of \$20,000 to relieve the state of their care. Most of them worked upon farms. Later they were sublet for a revenue and were not under the slightest control of the state and were overworked, lost and killed. In 1888 the evils were so great that an investigation was held, and in 1890 the system was abolished to take effect in 1894. The state now owns three farms, but also works its convicts upon other farms, which are leased. This is undesirable, and they will be consolidated upon one farm of about 12,000 acres. The state profit varies from \$30,000 to \$100,000 a year.

Louisiana presents a marked contrast. The lessee system is in full operation, although it has been abolished by constitutional convention. The new law goes into effect this year, when the present lease expires. The revenue under this lease is \$50,000 a year, regardless of the number of convicts. Louisiana began her state system in 1834 by erecting a penitentiary, and manufactures were conducted. After the war the lessee system began, first by leasing labor within the walls, and finally of convicts outside. They were leased to numerous parties and in many enterprises. The practice is now to lease them to one contractor. Louisiana and Florida are the

only southern states which have complete lessee systems. The new plan contemplates working the strongest convicts upon levees, an inferior class upon farms, and the infirm and women will be kept at "the walls."

Alabama combines both the farm and lease systems. Of all southern states, Alabama has passed through the most difficulties. Prior to 1866, convicts were kept within the walls, and worked at manufactures. After the war they were leased, but as there were no state inspectors the abuses were many. In 1872 a farm was bought and stocked, and an attempt made to work it. This was a failure, and in 1875 the lease system was revived. It is only with the present excellent management that serious abuses have been abolished. Alabama has had numerous investigations into alleged cruelties, and the conditions led to the appointment of a board of inspectors in 1885. They now have quite complete supervision, and there are state representatives in every convict camp. In 1890 the state provided farms. There are now three such farms, and upon one is located a large cotton mill, in which the women and children are employed, and upon the other the hospital prison. The remainder of the convicts are leased in the mines and saw-mills. The farm in Alabama is not designed to solve the problem, as in Mississippi, but was made necessary by the large number of broken-down men from the various camps who would be useless unless lighter outdoor work was found. The farm is the recruiting place for men from the different camps.

Georgia is the last state to abolish the lease system. Previous to the year 1812, all criminals were punished by hanging, branding, public whipping or imprisonment in the common jails. As early as 1817 it established a peniten-

tiary, where the whites were worked. Manufacturing on state account was the method. The lessee system was in force from 1868 to 1897. Lessees had full control and custody of the convicts. As in Alabama, there is now a state farm, where women, children and infirm men are worked. Georgia still has a "contract" system, which involves many of the old abuses of the lessee system. The lessors are usually owners of mines, lumber camps, brickyards, etc. This state still permits subleasing, which removes the responsible party still further from the state.

Florida's system is similar to that of Louisiana, but in some respects is less favorable. The convicts are leased out in fourteen different camps, and there is but one inspector. The women are leased in twos and threes in various camps, instead of being confined together. Turpentine stills and phosphate mines are the industries.

South Carolina's system resembles the northern systems more than those of the other states. It thus far has the only penitentiary building not used solely for a hospital. It has passed through all the evils of the lessee system and now combines farming and manufacturing. The farms are for the same purposes as those in Alabama and Georgia. Most of the convicts are employed in a large cotton mill. Their labor only is contracted for, the state retaining complete control of them.

North Carolina maintains a large penitentiary, conducts manufactures, operates three farms, and leases some convicts. It includes every phase of the southern methods. The lease system has been gradually abolished, for the same reason as in other states, that it is more profitable to the state to work its own convicts, and they are more humanely treated. The women and less able men are kept within the walls, while

the boys and other convicts are on the farms. North Carolina is the only state that still leases or hires them to railway companies. There have been few fierce conflicts in this state, for it has been a gradual change from the lessee system.

With reference to Virginia almost nothing need be said. Her system dates back to the days when mutilation was a common penalty, and when the white criminals were confined in the county prisons. The lease system existed in this state also. Its present method consists of farming and manufactures, which are conducted upon the contract plan, the institution retaining control of the convicts. The main industry is the manufacture of shoes. It will be seen that all southern states except Virginia and Mississippi have some form of the lease system, but it is much modified. General conditions of labor are these :

Hours and Tasks.—On farms they range from 10 to 14 per day—from sunrise to sunset. In summer a longer rest is allowed at noon—2 hours. In coal mines hours are shorter. Here the men are given a task and when completed they may work overtime and keep what they earn. In some institutions they must work and earn for themselves, in others they may elect the time or money. Tasks in mines may be completed in from 4 to 8 hours. They are assigned by the state inspector each month and are of three grades—first, 2 tons ; second, 4 tons ; third, 6 tons. On “classing-up” day men come into a large inspection room, fresh from the baths, and with their arms filled with food which they have purchased from the wagon which comes up every Saturday. All men are examined. If they are in good health they are kept at the same task ; if they seem weak, this is reduced or they are sent to the farm or sawmill for outdoor work. If they have complaints

they make them known and are more carefully examined later. Some of the strongest men earn as high as 40 dollars per month for overtime work. In Louisiana, on the levees, and in camps, and on farms of all states there is no such system. The men labor regardless of physical condition and are only sent to the hospital when they break down. Hours are from sunrise to sunset. In the industries, hours average from 6 to 10. There are no Sunday hours. Some states punish convicts if tasks are not completed, others do not. Sometimes convicts are punished daily for not completing tasks before it is discovered that it is impossible for them to complete them. On the other hand, convicts shirk whenever they can. In all mines and industries convicts are paid for overtime work.

Conditions.—In inclement weather convicts are rarely worked out of doors, as formerly. No distinction in amount of work is made. Little fellows aged from 10 upward and old men work along under similar conditions and have the same hours. On the state farms "slow squads" are sometimes made up and these do not work at the same rate as the others. Abuses at mines do not consist in details of the system, for it is humanely arranged, but negroes are not fitted for mining work. Of 85 per cent. of negro convicts 75 per cent. come from farms and are placed directly in the mines; nearly 30 per cent. are under 20 years of age, and only 25 per cent. are credited with fine muscular development. Work in mines is stated by southern physicians to largely increase tuberculosis. Abuses on farms lie in lack of careful determination of ability and of medical examinations, for outdoor work is in itself healthful.

Only in mines have there been any labor conflicts, upon these chief grounds: Too great a burden to one industry;

when sales are short, free miners are stopped before convicts; convicts when liberated congregate in the districts where the mines are located and this makes the community more criminal.

Women do not fare well upon plantations. When they are employed in industries, hours are not excessive, buildings are comfortable and conditions are fair. In North Carolina and Mississippi they are sent to the farms during the busy season and in Louisiana, Georgia, and Florida, where they work on them exclusively, labor is harsh. It includes chopping down trees, ditching, cleaning up the plantation, "toting" logs and coal, and "tending" cotton. Some of this is labor to which no woman, negro or white, is adapted. In ditching and cutting trees, they must often work in water, and their dresses are suitable for such work. There is no distinction based upon the criminal's previous occupation. If she is a seamstress from the city she is put at the same kind of work as though her training had been in the field. There is no time when they do not work except on very stormy days. In apportioning their labor no cognizance is taken of the fact that they are women and that heavy labor and dampness are not always advisable.

As a result many of them are in a broken-down condition. This kind of labor tends to remove all possibility of reform, for they grow coarser and more degraded. The guard is the employee of the lessee, and as he is wholly in the interest of the employer the labor required is extreme. Women have been whipped daily for not completing tasks, until it has dawned upon the guard that they were incapable of it. Sometimes when they work in the cold or wet they are given coffee, quinine, or brandy to prevent colds. The squads are often divided into old, young and feeble. The

number of hours required is the same for these, but the rate of work varies. Measurements revealed numerous organic defects and much depleted vitality through labor. The excessive amount of work required on convict farms in the South is partly due to the fact that they are experiments, and managers are anxious to make the best possible showing.

Discipline.—Flogging with a heavy strap is the universal method of punishment. The men are flogged upon the bare back, while the women are sometimes allowed to retain their clothing. The number of lashes is limited in most of the states, but in Louisiana and Florida there are no restrictions. In most states it is administered by an under officer, in Alabama only in the presence of a state inspector, and not upon the same day when the offense is committed. Alabama's system of punishment has been severe. The negroes were often bucked and gagged when whipped and were given what is called water punishment. This was done by pouring water steadily upon the upper lip. It so effectually prevented breathing that life was endangered. Georgia, in some of its sawmill camps, still chains its men to the beds and to each other at night. Punishment is usually inflicted for failure to perform tasks, for violation of the rules of the prison, and for fighting or attempts to escape. 25 lashes is the maximum for this last offense. Where it is administered by sergeants they are often careless. One said if he could not determine the guilty party in a quarrel or offense he punished the "whole lot" so as not to miss the offender. Some punishments are administered while officers are intoxicated where supervision is not strict.

The following description was given by a warden of his methods :

“About daylight convicts start off to the fields dividing into two gangs, when we are busy. The assistant manager takes one gang, and a deputy takes charge of the other. One gang goes to plowing and the other to hoeing. When they get out into the field a cordon is formed by the guards, who are armed with Winchesters. The manager stands in the midst of the gang, or rides horseback, as the case may be, and directs the operations. He, of course, is armed with a revolver, and carries the strap for the punishment of the refractory men. This strap is a queer looking affair. It is a piece of leather, about 6 inches wide and 2 feet long, attached to a wooden handle. It is customary to give a refractory ‘nigger’ from one to twenty-five lashes with this strap on his bare back, according to the extent of his offense. The occasions for punishment are comparatively rare, however. It is more often the new men who get a taste of the lash. The lash was adopted by the board some time ago, and is regarded as the most humane yet put in use. It is impossible to cut the flesh with it, and a liberal use of it does not incapacitate a man for work. The board is also particular about too liberal use of the lash, and sergeants are compelled, among other things, to report at the end of every month the names of the convicts lashed, the reason and the number of lashes.”

Solitary confinement, deprivation of food and loss of good time are used with good effect. The first is unpopular because it consumes time uselessly. Almost all of the states have good time laws, though they are of but recent date. These laws have for their object good behavior, better work, and less attempts at escape. During the first two years two months each are allowed, for the next two years three months each, and four months for each succeeding year after the fourth. In Louisiana, if they have a life sentence and serve fifteen years, they are conditionally released. If rearrested they must serve the remainder of the old sentence. Virginia has a conditional parole law, the authority for release being vested in the governor. North Carolina has a liberal good time law. Convicts receive five days' good time each month, and receive \$1 cash for each ten days thus secured. When they have received \$5 in this way they are entitled to an additional five days. These laws are undoubtedly conducive to

good behavior and secure better work. Negroes do not enjoy the restrictions of prisons and fear losing good time more than anything else. These laws are abused under the contract and lessee systems, for the convicts are punished for trifles and contractors thus retain them for a longer term, often for their full sentence.

All systems except the lessee have "trusties." These convicts are given much freedom. In penitentiaries they are allowed to go to the towns and on plantations are given much liberty and are occasionally used for guards. The attainment of this rank depends upon behavior in prison.

All camps and farms situated in the open country still retain packs of dogs for tracing escaped convicts. The bloodhounds have been supplanted by fox hounds which are less vicious. These dogs are trained daily in what is called the chase. A convict is started out and given a fair lead, his route lying in a circuit. Then dogs are sent out with trainers to search out the trail. To one unaccustomed to the scene, their wails of disappointment when it is lost or howls of exultation as they follow it, together with the panting and frightened negro give an impression not soon forgotten. The negro's safety lies in climbing a tree if they overtake him before he reaches the farm. Attendants endeavor to keep up with the pack, but this is not always possible. Even with this method escapes in one state have been as numerous as 150 annually.

Where matrons are supplied for women, punishments are less severe, and are only administered for grave offenses. Otherwise they fare the same as men, for when the punishment is given by an overseer as in Georgia, Louisiana, Florida and Mississippi, caprice, anger, and prejudice are often indulged. Jealousies among inmates often lead to punish-

ment through stories which are circulated, and only careful supervision and investigation can prevent injustice.

Foods. — These vary but little in the different states. The staples are pork, rice, corn bread, field peas, and molasses. Coffee is usually given once a week, and when obtainable prisoners are supplied liberally with vegetables. On farms these are raised, so food is better. It is not always well prepared. In Alabama, North Carolina and Virginia convicts are allowed to furnish themselves with extras. This privilege is carried so far in Virginia that they are allowed to use oil stoves and cook in their cells and some convicts do not appear at regular meals. Men congregate there about twenty-five in a cell and often present an interesting spectacle in their culinary occupation, some cooking, some eating and some trading foods.

The well-ordered dining-rooms of the North are lacking. In Mississippi, Louisiana, Georgia and Florida convicts are fed from tin plates. They use their fingers, and eat in their sleeping-rooms or walk and sit about the yard. Though Georgia has a good dining-room it is not kept up and the women sit about under the house, on wood piles, or on the ground eating from tin plates or pails. In South Carolina there are dining-rooms and regular meals for the men, and the women eat from tables in their sleeping rooms. In North Carolina there is a dining-room, but no order is maintained, and some convicts serve as good targets for crusts of bread, vegetables, meat, etc. There is much trading, and it is amusing to hear the bickering as to how many potatoes a beet is worth, or what a piece of corn bread will bring. The food is usually sufficient in quantity, though one prison allows only two slices of bread and a cup of water or a dish of molasses for supper for men who have labored five and

are to sleep nine hours. Tobacco is supplied both men and women in all institutions. Where care is not taken with bread or corn bread, prisoners fare badly, for this is an important part of their diet.

Clothing. — All institutions have uniform material. It is usually heavy striped cotton goods, similar to the heaviest grade used for bed ticking, in summer, and woolen in winter. In most states it was plentiful, in good condition and clean, with the exception of underclothing. Louisiana and Georgia were exceptions. There women wore any garments they could patch together and men were attired in soiled and tattered clothing. When women came to the laboratory it was sometimes necessary to send them back for baths and clean clothes. Often they had nothing in reserve except their clothing when arrested. But little time was allowed for washing or mending clothes, except on Sundays and rainy days. Where women make and care for the clothing, as in the other states, cleanliness and whole clothing were assured. In most states where convicts do not provide their own clothing, underclothing for men and women is limited to one garment. No special provision is made for women in any institutions. There are rarely any night garments furnished. In the winter on farms clothing is sometimes insufficient and unless wraps are brought with them they are not provided. This is a hardship, for there is much outdoor work. In North Carolina discipline is so lax that men and women often become acquainted and male convicts are allowed to spend their money for undergarments and trinkets for the women. It is no uncommon thing for them to receive shoes, hose, corsets and finery from their admirers. Where convicts do indoor work one bath weekly seems sufficient, but where they work on levees and plantations, and in camps,

this is not adequate. In mines daily baths are a necessity. With the exception of Louisiana and Georgia clothing is not unlike that in northern prisons where stripes are used.

Recreation and Intercourse. — Rest and recreation vary in different states. Upon farms time allowed for sleep is about eight hours. No time for recreation is given upon days when the weather permits labor. Fourth of July, Christmas, and Thanksgiving are regular holidays, though these are not always given under the lessee system. Convicts no longer labor on Sundays. The leisure of Sundays or of rainy days is spent in various ways. Some institutions allow gambling, dancing, singing and music; others exclude gambling, because it leads to fighting and disorders.

On Sunday prisoners are often turned out in squads at different hours in prison yards or upon defined parts of the plantation, and the day is not necessarily dull. On the occasion of the investigator's visit the men were all grouped together in the small crib, singing. At the appearance of the warden much animation was shown and in a few moments they were playing craps with much spirit and were emptying his pockets of change. The afternoon was devoted to singing and dancing. First it was religious, then secular and then religious again. There were some capable leaders, some good dancing and imitations and music was given with ability and spirit. The men were then turned into the yard for two hours to visit and tell stories until supper time. At the mining camp in Alabama some convicts have musical instruments, including pianos, guitars, etc., and the contractor furnishes a "gramophone."

In institutions where lights are permitted convicts visit together until about 9 o'clock. In Virginia and South Carolina where tasks are assigned there is much leisure time. Women

spend this in sitting about chatting and sewing ; men in groups in the yard, under the trees or in their cells. No cultural use, mental or physical, is made of time. In outdoor work convicts sing or talk. In indoor work, as in mines and factories, conversation is more restricted. At night, except in Georgia, guards are on the outside and there are no restrictions so long as there is no disorder. Where cells are used inmates talk back and forth across corridors and only in South Carolina is this prohibited.

All southern institutions endeavor to separate the sexes, but under the conditions this is not always successful. In Mississippi and North Carolina women are confined in a separate building, but can communicate with male prisoners from the windows, and exchange tobacco and trinkets. In Louisiana women are confined on a plantation while men work on levees. In Alabama and Georgia women have a separate stockade a mile distant from the men. In South Carolina and Virginia they occupy a separate building, but work with men. In Mississippi, Louisiana, Georgia and Florida, where no matrons are provided, and where guards are so often unprincipled, opportunities for immorality are great. Where women work in fields remote from habitations this danger is increased, as it also is where "trusties" among negroes are allowed access to women's departments.

Education. — With one exception, there are no educational influences. No trades are taught, no schools are conducted and no reading is supplied, except at mining camps in Alabama. In factories, sawmills, etc., convicts are given enough instruction to make them productive workers and this is sometimes equivalent to a trade. But the *idea* is not equipment of individuals so they can support themselves when

released. At the Alabama mining camps night schools are conducted and the chaplain is the teacher, assisted by his ablest pupils. The common branches are taught. The schools for white convicts have been discontinued, for no accommodations were provided for them *separately*, and few white men are sent to mines. Under great disadvantages negro schools are successful. Only evenings are allowed for study and recitation and they are often so tired that only indifferent work can be done. The report from the school is, "We find black men more anxious to learn than whites and they make better use of their time." School attendance was not compulsory. No reading is provided in any institution except occasionally in connection with religious work. As a result of these investigations permission has been secured to send small libraries to some of the institutions. One is in use and requests for others have been received.

Cultural.—The only cultural agencies are religious. In Mississippi convicts are permitted to conduct their own services. In Louisiana no provision is made. In Alabama at "the walls" services are conducted Sunday afternoons by outside ministers; on farms by the convicts; and at the mines there is a chaplain and regular services and Sunday-schools are held. Residents of the cities assist in religious training. In Georgia and Florida there is no provision whatever at the farms or camps; in South Carolina there is regular chapel each Sunday and a chaplain (not resident) who also visits the convicts during the week. In Virginia and North Carolina services are conducted by outside volunteers. Under the southern system it is difficult to have resident chaplains. Camps and farms have populations ranging from 50 to 500 and are often accessible only at much expense of time and money. Negro ministers are not as a rule capable

of directing educational work or of filling a chaplain's place, and whites are difficult to secure.

Medical Care.— Few institutions have resident physicians, but make yearly contracts for daily visits. In Alabama at "the walls" and mines, and in the Georgia mines there are resident physicians, usually graduates of colleges who are doing hospital work. In all others daily visits are made. Alabama has a physician as a member of its board of inspectors and he is required to "class up" convicts. In penitentiaries and at the mines there are hospital buildings. On state farms a part of a building is usually set aside, but in Louisiana and Florida there are no provisions. Only in the mines in Alabama is there a contagion hospital. The distinctions between hospitals and other buildings are that they are provided with standing beds, mosquito netting, better linen, have better sanitary appliances and better food.

Many of the prevalent diseases are contagious. Tuberculosis, pleurisy, pneumonia, diarrhœa, fevers and spinal meningitis are common. Tuberculosis and pneumonia were the most prevalent and fatal. Mortality rate of negro convicts ranges from 10 to 25 per cent., being highest in mines and under the lessee system. The average mortality rate for non-criminal negroes is placed at 19 per cent. which is undoubtedly high. On convict farms mortality is lowest, notwithstanding that disabled convicts are sent there.

All reformatories are county institutions. In New Orleans there is a House of Refuge for boys, but it can scarcely be called a reformatory. These reformatories are located at Birmingham, Alabama, Augusta, Georgia, and near Richmond, Virginia. There is also an industrial home for boys and girls near Columbia, South Carolina, but it is a private

institution. Only the reformatories at Augusta and Richmond are for colored boys.

The buildings are modeled after dwellings and include administration rooms, school rooms and some dormitories. There are usually other buildings, as additional dormitories, kitchen and dining-room, etc.

In these institutions food and clothing are good, discipline is not harsh and some recreation is permitted. But stress is placed upon work. A minimum amount of instruction is given for about six months each year. These institutions are usually on farms and the inmates do the work. Trades are taught only to white boys. The superintendent is the teacher and his wife is matron. No uniforms are worn. Here, as in other institutions, the idea is that these should be self-supporting. There is no institution for girls and the prevailing sentiment favors reformatories for whites but not for negroes.

City prisons and places of detention consist of small bare rooms, furnished with an adjustable bed, or blanket. In some no sanitation is provided. There are no lights and ventilation is by windows so small that they do not need bars. In small communities jails are used instead of these prisons. Jails present two extremes: They are of brick and in large cities, as New Orleans and Atlanta, modern structures with steel cells, well equipped with kitchens, dining-rooms, single cells, baths, light and good heating systems are found; but in most places they are dark, damp buildings, with bad ventilation and defective heating. In some instances they have small, square rooms, accommodating a few; others contain one large room. In some jails may be seen debtor's cells, with some of the old furniture which they brought with them. Buildings so old and di-

lapidated need little said of the condition of ventilation, sanitation, etc. Many of the men received at prisons are rendered useless by a stay of three months in these jails, and are kept under medical care. Food is served in many of them in a disgusting way and is sometimes unwholesome.

There are no workhouses with industries. The city may work its convicts on a farm or in a quarry, but this is rare. Some counties hire their convicts to mines, but most of them lease men upon county farms or work them in chain gangs. The latter is also true for municipal prisoners. When they are thus worked they are often housed in movable camps.

County farms differ from state farms in these respects:

They are inferior. Here convicts furnish their own clothes, work in all sorts of weather, and receive insufficient food. They are short-term men, and the county is not as much interested in their health and welfare as if they were state wards for a number of years. They work out their fines at the rate of from 30 to 60 cents per day. Men and women do farm work, the latter not infrequently breaking stone. Medical attendance is insufficient and there is complete absence of educational, cultural, and other such influences.

Chain gangs consist of groups of convicts who work on public improvements—women in public buildings and cleaning streets and men in improving roads. Boys work on these gangs with men. They are always accompanied by an armed guard. The "pick squad" precedes the "shovel squad" and sets the time. They work in rhythm to the chant of some hymn or improvised tune. To each ankle is fastened a shackle and the chain connecting the two is looped up to the belt in the back. Occasionally a good runner is shackled with a spur above the ankle. The women are not shackled. New Orleans still uses an old slave market

with its tumble-down shanties as a resting place for these gangs at night. They are sometimes housed in temporary huts and shackled together.

Difference in treatment of white and negro criminals may be summarized thus :

In *all* institutions they are separated. Few white convicts are sent to the mines. In a few instances, as when they are on separate farms, the food may be better. Whites do not work in chain gangs. In amount of labor, punishment, recreation, etc., they are treated much the same. They are rarely made trustees, so this is more the privilege of negroes.

CHAPTER XI.

DEFECTS IN PENAL AND CORRECTIONAL SYSTEMS.

FROM the preceding description of institutions it will be seen that there are numerous defects in both North and South. The purpose of this chapter is to emphasize the progress made and to analyze some of the most prominent defects, not in a critical spirit, but to present them so the interest and co-operation of the community may be stimulated. It is public opinion which is ignorant of the requirements and has not reached forth to help the workers in the field. If others more competent can be induced to give the matter their attention the author's purpose will be best served.

The material is arranged in two groups, penal institutions of the North and South, and correctional institutions for the same. For the North under the first group the following are considered.

Labor. — This is essential to the convicts' welfare and to good discipline. Financial success and economic adjustment are the two problems. Financial success means that all institutions, in which the amount of reform attempted is small, as in penitentiaries, should be self-sustaining. There are difficulties in the way of this: (1) Prison populations should be divided so that all habitual offenders, those serving life or sentences above 15 years, and those of advanced age could be confined separately. This would remove the hardened element and the class having little need for adjustment to society, as life prisoners. The labor system here could be designed to make this class as little a burden as possible to the

state, with a minimum amount of reformatory influences, for these would be unproductive or unnecessary. (2) In institutions where reformatory agencies are essential, that system should be adopted which yields the best financial returns, compatible with the best reformatory measures. This appears to be that of state account. Such a system requires, however, a business manager of high qualifications, in addition to the warden.

Reform prisons and reformatories need not be entirely self-supporting to fulfill the requirements of financial success.

Economic adjustment is a more serious problem. Of greatest importance is the attitude of free laborers. This is due to an exaggeration of the real situation and is most unsocialistic in spirit. The real situation is that prison populations consist of from 800 to 2500 inmates. In each state there may be from one to five of these institutions and the average is about two. For these communities large appropriations are required and this is secured by taxation. Every laboring man who possesses any taxable property contributes to this appropriation. The great majority of these prison populations come from the *laboring classes*, and many are union men. If each prisoner supported himself and was allowed to contribute something to his family outside, would not this very laboring class be the gainer? Prisons do not affect competition in nearly so great a degree as do sweat shops and yet unions attack the former and ignore the latter. A small percentage of criminals are such because they fail to obtain work or are members of families which are pauperized through this cause. Surely if trades unions are socialistic in spirit and not *individually* selfish, their attitude should be helpful rather than detrimental, for their interest lies also with prisoners and economic causes of crime.

There has been much adverse legislation through influence of trades unions, such as restrictions of sales within the state, limitation to state supplies, branding as "convict made," etc. Unions should have the right to enforce their demands for hours, labor, etc., for their *own acknowledged classes*, but it is not compatible with American rights to discriminate against any class or interfere with institutions when no analysis is made of the reformatory and broad economic principles. The present attitude only prepares the way for these men and their families to become further burdens, and unions give their adherence to the old theory of *punishment* of the individual, rather than to protection of society.

Legislation and public opinion should be influenced in every way toward the adoption of a more reasonable position. At the same time free laborers should be protected by such measures as these : (1) In manufactures they should not fall too heavily upon one line but be more evenly distributed. (2) Where it is possible to utilize the prisoners in non-competitive labor it should be done (as is suggested for Federal prisoners in the reclaiming of arid lands). (3) The state should have the right to supply its own demands. The objections raised here, while based on free competition, are really because contractors lose state jobs which are considered as "bonanzas" or "plums." (4) Goods should not be convict marked, especially when made by union men. (5) Hours in prison should be the same as exist in trade outside. (6) Institutions should not undersell outside manufactories. (7) Business managers should work in harmony with unions and other organizations and products should be regulated by conditions of markets. (8) Institutions should not develop into profit-gaining corporations and their proceeds should be used for expenses, benefits of inmates and their families and in

reparation for crimes whether to the community or individual.

The value of teaching industrious habits, general upbuilding of character and of society, have not been as carefully estimated as have economic phases. The importance of prison competition has been judged more by individual cases than by its effect upon the whole system and an analysis of this is clearly in favor of prison labor.

Recreation and Social Intercourse. — In penitentiaries and reformatories this is unnecessarily limited. Systems like that at the Eastern Penitentiary give "time for reflection," but do not fit individuals to return to society any more than hermitage enables one to cope with complexities of industrial and social life. It is because of this lack of adjustment that men often become criminals. It has been found possible to allow women to have a social hour in the yard under supervision of matrons, without detrimental results. With a careful discrimination between habitual and first offenders, between dissipated and corrupted and those less so, social intercourse within small groups in schools, libraries and physical exercise, might bring good results. Participation in games under careful supervision would probably be beneficial. The theory of solitude is that it insures good discipline and reformation, but when inmates live under such abnormal conditions, it is doubtful if this is the best method for attaining these ends. An individual who is not permitted to associate with his fellows in *any* degree is not being fitted to function in society. When released the desire to gratify social instincts is so strong that he is often led among dangerous associations. Reform prisons which have for their object fitting men for such return should have as many social features as are consistent with prison régime. In all prisons there are men who will never become habitual

criminals and their association together cannot make them such. This idea is not in harmony with the current belief and practice, but psychological and social studies certainly reveal the fact that whatever the value of solitary confinement, a man who is to work and live among his fellows is not better adapted to that by being under a discipline which makes him incapable of thinking and acting for himself and which relieves him from this necessity.

Broader recreation and social life require: The maximum recreation and intercourse which will insure the highest degree of social adaptation and be compatible with discipline. A careful discrimination between, and supervision of, the groups which associate together. Social privileges based upon the merit system. Group recreations as in games, schools, etc., so that social adjustment may be developed in complex gatherings.

It is objected that prisons are made too pleasant for criminals, but this is a direct acknowledgment of the theory of punishment. When men desire to return to prison, it shows clearly that they are living in environments far less favorable. If the greatest degree of reformation is thus secured the policy should not be condemned. That which allows the wealthy defaulter to live in ease within prison walls is far more indefensible than *impartial* provisions for all classes with a view to benefit *society* rather than the *individual*.

Religion.—This instruction in many institutions does not meet the needs of this class. Chaplains are frequently teachers and in both these functions it is appreciated that under limitations imposed by institutions they work with great difficulty. But these facts remain true: (1) Appointments are often of a political nature and this more than qualification determines them. (2) Ambitious, enterprising

men of great activity, great breadth of thought, wide experience, and possessed of the broadest training and culture are not obtainable. Great as the field is, there is no distinction to be won and its hardships are not sought. (3) Men unfitted for more active pastoral work are often assigned to these institutions. As a matter of fact, in such a population, men of the broadest sympathy and understanding of human nature, of the widest educations, and of untiring energy are needed. They should be able to teach, direct reading, and advise in practical, everyday matters of social adjustment, as well as spiritual welfare. For this a broad training in sociology is needed. Every institution should have a chaplain whose religious work is educational—that is, systematically so, as well as spiritual. Sermons which always emphasize sinfulness, eternal punishment and need of redemption or which always arouse the emotional nature may or may not be educational. But the sermon which touches great human interests, institutions and progress, which reveals social complexity and helps the individual to understand them and his relation to them and does this, not by characterizing him as a transgressor, but by enabling him to reason out his own position, has the spiritual significance of all that the Bible holds. Great educational sermons would not be more above the heads of convicts than are some which confined themselves to the letter instead of the spirit of the Bible.

Where old offenders are confined in the same institutions with others, educational and cultural efforts need not be applied to these. Often these cases are hopeless and it is useless to spend any efforts upon them. In all others there should be some instruction and the encouragement of reading. Most institutions have small libraries but they often

include many cast-off books which are of but doubtful value. In penitentiaries there is little direction of reading and, so far as possible, suggestions need to be made by some one who understands the individuals and has a wide knowledge of literature for the reading should be selected so as to meet individual needs.

Among other conditions which may be grouped together are :

Corporal punishment should be abolished wherever consistent with good discipline. Stripes, shearing the head, and shaving are inconsistent with the spirit of reformation. They are based upon the idea of punishment and of protection against escape. The value of this latter is too small to justify the continuation. Grades and colors of clothing as marks of conduct are much more satisfactory and have for their object stimulation of pride and self-respect. Where shearing or shaving are necessary as hygienic measures, of course this takes precedence. Educational work and libraries should be extended wherever possible.

For education and appointment of officers of institutions, discussion of civil service, and suggestions regarding institution records and statistics, the reader is referred to the chapter upon "Suggestions for Prevention of Criminality."

Defects of workhouses and jails include : In workhouses there is no separation of old and youthful offenders ; in jails, none of the convicted and accused. Need of substitution of solitary cells, for those containing from one to eight. Lack of employment for those serving short sentences. No permanent or circulating libraries. Mr. J. S. Whitman, sheriff of the Cook County jail (Chicago) uses both libraries and series of short lectures with what he believes to be good success. The jail library is well patronized. A more care-

ful supervision of social intercourse. Improved grade of officers. Use of jails for purposes other than that of detention. Preceding statements regarding labor, chaplains, and clothing apply to workhouses. While jails and workhouses can effect but little permanent reform even small opportunities should not be neglected.

Systems in the North and South are so different that suggestions for the former are only in a limited way applicable to the latter, and would seem like day dreams. The attitude toward convicts, who are so largely negroes, must be considered so that those made are conservative.

During the past decade the progress and reforms introduced in the southern penal system may be summarized thus: Gradual substitution of contract for the lessee system. This means greater supervision by the state and also shows a growing consideration for the negro. When it is remembered that the South was incapable of supporting its convicts in such numbers in the years following the Civil War and had to resort to some self-sustaining method, this change is consistent with prosperity. The introduction of boards of control which removes many abuses of the one-man power. Prison reform commissions and membership of prison officials in organizations, as the National Prison Association. Both of these are indicative of broader views of prison problems. Most uninhabitable prisons have been supplanted by improved ones; tasks of convicts have been reduced; food is better; there are more systematic medical examinations upon which work is based; warm baths and dry bedding are now supplied in most institutions; hospital facilities are provided; discipline is more humane; bloodhounds have been supplanted by less ferocious foxhounds; condition of women is vastly improved; disabled and diseased convicts

are now cared for humanely. The reformatory idea is apparent and there is a little host of active southern workers. The fact that three reformatories exist and South Carolina and Louisiana are urging others are most hopeful signs.

The following changes are desirable and do not seem inconsistent with the developing spirit, or unreasonable in view of recent progress.

The South more than any other part of the country holds the ideal solution of the convict problem. This is the state farm. It is entirely feasible, is self-supporting and revenue-procuring, gives the state full control of convicts, removes them from unhealthful surroundings, and avoids all danger of labor attacks. No other section of the United States is so well adapted to this system and can enter upon it at so little expense. It abolishes chain gangs and publicity of labor. It could be extended and all contract and lease systems discontinued.

The greatest defect in the system is the desire to convert penal institutions into mere money-making powers and to appoint officers for their ability as managers. There is no excuse for the continuance of other systems than the state farm, except desire for profit, for it has been amply tested. Revenues to the states now vary from \$10,000 to \$160,000 annually. It would seem fair that after institutional expenses are paid and a fair contribution made to the cost of convictions (legal machinery) the remainder should go to improve convicts and to agencies for decreasing criminality. Now the profits are turned into the general state funds, the negro receiving nothing but his bare sustenance. When convicts have families it seems but just that something should be contributed to their maintenance, or that men should have more than \$10 given them when they have labored from 10 to 15 years for

the state at a yearly profit of from \$100 to \$200. The unrestricted social intercourse is a great source of criminal contagion. Officers are chosen more for their capacity to work convicts and are often brutal, uneducated and unrefined in thought and action. These men can set no example for convicts except that of force. A civil service basis of appointment is desirable. There is need of extension of the parole system for indeterminate sentence would lead to abuses unless most careful supervision was instituted. Where the contract system is retained there should be provisions for a resident state representative at each camp and his selection should be most careful, for officers may be in collusion with contractors. The merit system can be used advantageously as a means of discipline, and the harsher punishments less frequently. Upon farms and in prisons it is entirely practicable to introduce system in change of clothing, meals and their service, baths, etc.

For women the greatest needs are: Removal from all hard farm work as ploughing, ditching, etc., which takes them from camps or places them under male guards. Appointment of matrons with general supervision of their recreation, work, leisure, punishments, etc. If women *must* work in the fields remote from camps they should be accompanied by matrons.

While but little direct educational work can be hoped for yet, it is practicable at penitentiaries and upon state farms. What contractors have done successfully at the mines in the way of establishing schools, religious services, furnishing reading matter, etc., can be provided by the state.

Southern municipal and county institutions are open to the same objections as those of the North. County farms lack the more perfect systems of state farms. Chain gangs

can be abandoned and remunerative work substituted, and children and first offenders should be kept from these, if they are not abolished. Jails and city prisons are hotbeds of crime and disease, and sanitary buildings and a careful system are needed throughout the South.

Under correctional institutions in the North are included industrial, manual training and parental schools. These cannot be self-supporting for the time given to reform measures, as education, manual training and recreation are so essential that greater emphasis can not be placed upon work. Industrial schools cannot well undertake extensive manufactures because their influence is needed to support the sentiment against child labor.

Institutions which have for their object development and improvement of children are accomplishing great good. Remarkable progress is shown in the way in which they are now conducted. Notwithstanding there are better buildings and equipment, better instruction and more scientific methods employed, there are some defects which bid fair to keep the actual reformatory influence much lower than its possibilities. In some institutions attempts have been made to remedy these defects, but in many they exist to some degree. They are often recognized by those employed in the work, but their great importance is underestimated. They include :

Physical Education. — Rarely do these institutions have gymnasiums or playrooms. There are playgrounds provided, but these can be used only in pleasant weather. These are of value for two purposes : They make possible special work with physically defective children, and they permit games whenever desirable. Almost all recreation is now out-of-doors in *undirected* play and games. The emphasis is placed upon mental and manual training, and this great agency is ignored.

The average time for play is less than one hour daily, and in girls' institutions it often consists only of a walk around the grounds. Matrons say in defense: "Girls don't know how to play, and they have a good time." This constitutes their idea of its value. Children are received between the ages of five and sixteen, when the play spirit is predominant and should be given expression.

Play, as expressed in games, has a fourfold value, all of which is of importance in this work.

First, games give strength and maintain health; this represents their physical value. The normal amount of play time is not allowed, and the vitality is being drained instead of reserved for the demands of labor in later life. The fact that institutions must contribute to so great an extent to their own support places too great a stress upon labor. Children who come into these institutions need play more than others, because many times they have been overworked, are structurally and nervously weak, and have poor nutrition and depleted energy. Many have physical diseases and defects which need to be overcome. Healthful play is one agency for building up the child. The physical condition of each child should be carefully studied, and his recreation, instead of being haphazard, should be directed so as to aid in the general upbuilding.

In addition to games, playrooms should be provided with simple apparatus, as a punching-bag, ladder, horizontal bar and swing rings, so that the child could be given individual work. They would prove of interest and would strengthen weak backs and arms and chests. It may be argued that work will do this, but this is true only where work is interesting, arouses enthusiasm and can meet the especial need without proving a strain upon other parts of the system.

Children are constantly tired, and, instead of recognizing that this is one of nature's protections, they are often thought to be lazy and are urged to efforts beyond their strength.

The second great advantage in games is the development of desired mental traits. In all of these competition is stimulated, especially where teams are formed. Individual selfishness must be sacrificed or the team fails. This is the first step in subordination to organization, which must be complete for good citizenship later. Competition stimulates ambition, a desirable quality for success and the greatest enemy of indolence. Self-control, judgment and reason are required in all games for more than two persons. Imagination, observation and attention are among the most difficult things to develop, and games can be of much service. Vanity, quick temper, selfishness and revenge come to the surface and can be brought under control through wise direction, and independence, self-reliance, and sense of responsibility are among the qualities which may be strengthened. Children in institutions develop a spirit of imitation and dependence which games will aid in overcoming. Workers with children realize how essential all these qualities are and how much effort is spent in developing them.

Upon the mental side may be mentioned also the value of games for discipline. In all team work orders must be obeyed, and the precision and coördination must be accurate. The child learns to use all of his functions. A few moments' play will often relieve children who are restless and irritable, and who break rules only because of pent-up energy, or who have had no interesting and adequate channels furnished for restless thought. A march or drill or interesting game will serve a much better purpose than punishment and the former is preventive and the latter only corrective.

As work is given for physical defects, so in the mental training, there are games which bring out certain qualities. A child should be carefully studied, and if he is found defective in self-control, will-power, or is vain, quick-tempered or selfish he should be placed in games which will best correct these. A matron, when asked why competitive games were not used, said: "We used to play them, but the girls quarrelled so and were ungovernable." Here was the need, but games were not conducted in a way to meet it.

The third function of games is their social value. First, in these playrooms could be given public entertainments for inmates. In this way not only would interest be created, but certain ideals could be presented. A child soon learns what fair treatment and clean play mean, and he models his action upon ideals presented. Games thus not only educate, but can be conducted so as to present moral ideals, and later this will be carried over into the business and social world.

The last of all these functions is the æsthetic. This may seem of little value, but it is as important to produce agencies which beautify as those which strengthen. First, things need to be done well and in good form; this is none the less true in business. Then the care of the person, habits, desire for a good appearance must often be developed. The æsthetic side of games requires that these be brought out. The correction of awkwardness, lack of dexterity, bad form in walking or in poise is just as essential to these children as in homes, for they too may be called upon to fill high positions, and it is here that they must be fitted to do it creditably.

In order that games may answer these purposes, no great expenditure is needed. The ground floor of any building can be fitted up into game rooms. The most important feature is that the director should have the training which will

enable him to study the children and give them the work which would meet their needs. From elementary drills and marches through the simpler games of chase-ball, catch-ball, hare and hounds, etc., up to the more complex games, a careful grading must be made. Thus, if a child is physically weak, games must be given in an order to gradually overcome this. A vigorous game like basket-ball might only cause injury. If the child is mentally weak, games of slight complexity need to be given first, as details of complicated games could not be grasped at first.

Work. — It is a common theory that work substitutes for play, but this is drudgery to most children and there is a nervous strain and no spontaneous activity, when the mind is conscious of this feeling. Finances are so restricted that too much is required, for as a rule children do most of the institution work. It is not made interesting and often old appliances and methods are used, when new ones are available. To give one illustration: Floors are frequently scrubbed with hand brushes. It is well for a child to know how to do this, but to do it daily over large areas is a waste of time and strength, when so many modern appliances will do it as well. Work is often used to keep children busy and out of mischief. It has its place, but a more enlightened system would need to make less use of it.

Discipline. — This does not often enough recognize the individuality of the child. For certain offenses certain penalties are inflicted, often regardless of the nature of the offender. Each child needs the punishment which will reach him most effectively. Highly strung nervous temperaments require different methods from those given to phlegmatic, unimaginative ones. Those accustomed to harsh corporal punishments cannot be reached by these methods and they need

seldom be resorted to if a child is understood. Here as well as in homes there exists an antagonistic spirit—that exhibition of force which expresses itself in the desire to subjugate the child—to “break its will.” Often force must be used for the instant to prevent harm to others, but beyond this it must be tolerant, patient and tactful. Straight jackets, strong chairs, etc., intimidate, but do not teach the choice of right for right’s sake and when this pressure is removed there has not been created the desire for it independent of penalty.

In connection with punishment may be mentioned absolute control of children. Every act and detail is prescribed and but little initiative is left them. When they are released they are not fitted to control themselves or grapple with complex surroundings. The system tends to make them dependent and irresponsible. There is also a tendency to place too great stress upon details and to develop a “nagging” spirit.

Education.—Instruction has many defects. The teachers need to be drawn from among the most progressive. Too often they lack the power of interesting the children. Subjects taught are confined to so-called essentials. Nature and other interesting studies are often not included and methods are not always modern. Here are found admirable facilities for vacation schools and school gardens. They have only recently come to realize the value of kindergarten departments, and a number have not adopted them. Reading can be made an immense power for supplementary education. There should be a good working library and each child should have its schedule made according to its needs, interests, temperament, defects, etc. Deficiency in knowledge and dislike for subjects can often be corrected through a

wise choice of reading, and defective qualities can be developed. Thus, one who is deficient in courage, honesty, imagination, etc., can have these stimulated. Many libraries are largely made up of Sunday-school books. Children should arrive at moral truths in a way which is not so pronounced. Fiction, juvenile, general literature, biographies, history and current literature can be used to great advantage by careful selection, or in reading aloud. Now some of these are frequently excluded, because the harmful influence is combined with the good. For institutions within a radius of large cities, circulating libraries could be introduced with profit. Organizations should be encouraged for they teach children the ways, means and responsibilities of social combinations and methods of social adjustment. One other educational factor is made little use of, namely, telling of stories and reading aloud. These can be of the greatest service and stories should be told if possible every evening for a few moments before bed-time. One story a day or three a week would accomplish much. Because of lack of these home influences children often feel alone and misunderstood, and conceive dislikes for institutions.

In work, study, and play, careful distinctions should be made between children of vicious temperaments and bad tendencies and those who are misguided or defective. The former should have a different training and treatment. Sometimes they are divided into good and bad; a "bad" child in conduct may not have criminal tendencies for it may be the result of some nervous disease, or lack of proper channels for expenditure of thought and energy. Some "good" child may have criminal tendencies which may be shown in small deceits, slyness, instigation of others to bad acts, etc. In the cottage system it is comparatively easy to separate and give them special care.

It will, however, be impossible to make the best uses of these agencies so long as children are so uniformly overworked and matrons have so little time allowed for them.

Religion.—This is closely related to education. This must be given but it will have greater influence with these suspicious, cynical little people, if it is partly veiled. They shy off from reading and teaching which is labelled in broad letters "you are a sinner, you must become a Christian." Religious training should be a part of the daily living and its lessons should be in all small things. More emphasis is placed upon showing the child that he has sinned than in developing unconsciously within him a desire for good. The transition must be gradual and evolutionary, not violent. Religious services should emphasize more of the literary, æsthetic and educational. Sermons are frequent in which it seems the speaker only wishes to emphasize the sin, degradation and punishment of the misguided children before him.

Short weekly chapel exercises are often devoted to memorizing texts. Unless explanations and applications go with this they are of small value and children cannot apply them to their needs. One pastor is needed, so his work can embody a definite systematic outline. Sermons by ministers of different beliefs and creeds unfamiliar with the real needs often only confuse and misguide children. They have no direct access to a minister who preaches only one Sunday and then gives place to another.

Parole.—The present parole system has many advantages over institution life. In selection of homes, however, too much stress is placed upon the child's capacity for manual work and the educational side is neglected. There should be some incentive to adoption, aside from wanting a good

servant or farm boy. When too much stress is placed on what a child can earn it is often better for it, especially, if young, to remain in the institution. There should be some accurate knowledge of the previous life and influences of the child. These should be recorded by a specially trained parole officer. This subject is developed in the chapter on "Suggestions for Prevention of Criminality."

Selections of homes for girls should be made with especial care for there are instances where they have been misled by members of the family with whom they lived. The plan tried in Chicago of boarding children in homes is in some ways superior to institutions, for it is a normal life, but the latter will have to meet the demands for many years to come.

Readers are referred to the chapters on "Suggestions for Laboratories and Child Study" and on "Suggestions for the Prevention of Criminality," for further comments upon the northern system.

Within the past decade the South has begun to realize that a reduction of crime must begin with the child. For whites the reformatory is strongly favored; for negroes the necessity is just becoming clear. But whatever the limitations of negroes, they will respond to evil environment as readily as whites and if there are causes to be removed in the one case it is equally necessary in the other.

Reformatories are the greatest need in the South. Negro boys and girls ranging from 9 years upward are incarcerated with old criminals and subjected to prison régime, but whites under 14 are rarely found there. The southern idea of reformatories for negroes means separation from old offenders and work upon farms. If the problem of negro criminality is to become less, greater stress must be placed upon manual training, education and good influences. A sheriff

said when asked if children were separated in jail: "Oh, occasionally a white one, but negroes, we don't pay any attention to them." The founder of the reformatory at Augusta said: "We don't teach trades, first, because the sentiment of the people is against laying out money to teach the negroes, and second, we can't get places for our boys when taught. Why, we only ask an appropriation of \$1800 a year and the people growl because we are not self-supporting." This is a fair representation of the current belief.

With the development of reformatories the problems which have been met and which need solution in the North will face the South and some light may be gleaned from northern experience and experiments.

CHAPTER XII.

RELATION OF CRIMINAL SOCIOLOGY AND CRIMINAL JURISPRUDENCE.

ALTHOUGH criminal sociology has its own methods and takes cognizance of facts and conditions which criminal jurisprudence ignores, there is a very close relation between the two. The latter determines who shall constitute the criminal class, upon the basis of protection to society, and sociology, accepting this classification, attempts to determine causes of crime and the methods best adapted to its repression and prevention. The purpose is to show the present relation of the two, and the possible service of sociology to jurisprudence.

A brief outline of the origin and principles of criminal sociology was given in the opening chapter. Compare with this a similar outline of criminal jurisprudence. It is not a historical survey, but an attempt to trace the *idea* of crime from its origin through the methods used for its repression. This necessitates a division into four periods—revenge, repression, reformation and prevention.

Criminal law had its origin in the necessity for preserving peace between individuals and later between tribes, as civilization progressed, and social life became more complicated. In all primitive relations of mankind, revenge was one of the most prominent features, and was executed first by the individual, then by the clan or family, and in later civilization was delegated to the community and state. Crime was undefined and uncoded. The rule of pro-

cedure was when an injury was done by one individual to another, or by one clan to another, it was expiated by similar return injuries or by warfare. The early penalties were death and mutilation, and a gradual substitution of a system of fines for less serious offenses. Private warfare and blood feuds were the rule, and *organized* revenge was the underlying principle in primitive justice. Moral rights were unrecognized, and force was the only method of offense or defense. With the development of community life it was found impracticable and inexpedient for every injured individual or family to pursue, capture, or wreak vengeance upon the perpetrator of an injury, and the gradual delegation of the right to the chief or sovereign was substituted. Specific crimes were declared, and certain chosen representatives administered, not justice in the modern sense, but vengeance, which was the prevailing sentiment of the one injured. Many crimes and punishments of primitive law exist to-day almost unchanged, but are administered with different intent. But the rule then, as now, was, "the greater the crime the greater the penalty."

The procedure corresponded to the *idea* of crime, and consisted primarily in nothing more than private warfare. From this it developed into the law of *infangthef*, which was a recognition of the *right* of the injured party to exterminate the offender or receive compensation for the act. Sir Francis Palgrave observes upon this point: "Perhaps the name legal procedure can scarcely be given with propriety to these plain and speedy modes of administering justice; they are acts deduced from the mere exercise of the passions natural to man, and the law consists only in the restrictions by which the power of self-protection was prevented from degenerating into wanton and unprovoked cruelty." Follow-

ing infangthef came the development of police organization, purgation, ordeal, and trial by combat. The last three were characteristic of the early courts or tribunals where the trial was conducted. These latter were at first only public meetings for the adjustment of personal difficulties. Accusation by either a committee appointed for that purpose or by a private accuser was the method of indictment, and the receiving of testimony was common in these primitive courts.

The second period was dominated by the idea of repression, not unmixed, however, with vengeance. This theory differed from the first one in the prominence of the idea of intimidation. The characteristic features of this period differed from those of the retributive one in that the former consisted of the desire for retributory punishment—the desire for idemnity for the past—while the purpose of the latter was to gain security for the future. This was the *idea* which divided the first period from the second.

The second period was differentiated by a rapid growth of institutions and a rapid development of community life. Crime became specifically defined in decrees and laws, and sovereignty attained its greatest height, and with it grew much of the oppression and unfairness which distinguished the administration of justice. In the first place, the state or sovereign had gained absolute control of the punishment of criminals as a natural consequence of the solidarity of families and communities, and this exclusive right, theoretically at least, was administered in the interest of peace. From the keeping of the king's peace, therefore, grew the modern theory of the protection of society.

The procedure was characterized by the most unjust proceedings, and the barbarous punishments and the cruelty far exceed that of any other period in the history of law. The

sovereign or state was everywhere paramount, and individual rights, when in opposition to it, were not recognized. Death, torture and mutilation were the penalties, and bills of attainder and numerous ingenious forms of summary proceedings existed. The union of church and state brought within the law a great number of crimes, and persecution was a dominant feature of the legal system. The idea of reforming or "curing" the criminal was just dawning, and the belief was that it could be done by terrorization. The extortion of confessions by means of torture, the ingenuity of which has never been surpassed, condemnation without trial, rules of evidence making convictions possible without arraigning the accused, severe penalties for misdemeanors, and unrestrained capital punishment, were among the features of this period. Crime was the *willful* act of the individual, and the environmental and hereditary factors were unrecognized. The only question was as to the guilt, or utility, of removing the accused for political or personal reasons. No mitigating circumstances were admitted. Insanity was confounded with religious fanaticism and its possessors were objects of persecution. The number of capital offenses, including religious crimes, at one time in England exceeded 160, and most punishments were enforced where the ecclesiastical courts had jurisdiction. As a result, revolutions, revolts, fanaticism, and suppressions of all kinds existed, and it was this condition which furnished the reaction for the reformatory period.

In the injustice of the laws of the Middle Ages was found the root of the development of trial by jury, the present system of appeals, appearance by counsel, right to a speedy and public trial, right of being confronted by the accuser, rules relating to incriminating evidence, conviction

upon one's own confession, or that of accomplices, and many other rules of law and evidence. To this source may be traced, also, the abolition of crimes against religion, the decreased severity of punishment, and the separation of church and state, which exist in the present century. The reformatory tendency became well defined about the middle of the eighteenth century. Contemporaneous with, and incident to, it was the development of the prison system. Previous to this time prisons existed, but not as places of detention for punishment or reform. They were used merely as temporary places for those awaiting sentence to execution, exile, transportation, or release. Imprisonment was not in itself a punishment. Together with the prison system came the establishments of asylums, workhouses and reformatories. Insanity was recognized as a legal defense, and the study of causes of crime and nature of the criminal was begun. For the first time, the idea of vengeance seemed to disappear in the background of history, and science and knowledge began to supplant fanaticism, superstition and persecution. Education, moral training, discipline, were introduced where only punishment and extermination had hitherto existed. In this period the most absolute safeguards were thrown up about the criminal, the state was handicapped, and the most liberal rules were given to the defense. Nearly all of the present rules of evidence, which are so obnoxious to criminal sociologists, can be traced to the reaction against the atrocities of the Middle Ages and to the determination to prevent a continuance of the "star chamber" methods.

The fourth period—that of prevention—has just dawned. The idea of reform is still predominant and it is but slowly giving place to means for prevention. The prevention of the commission of crime is new and is far separated from

the idea of the previous periods. Prevention aims to reach classes before they become immoral and criminal while reformation can only deal with them after crime. Child-saving, habitual criminal acts and extermination of habitual criminals are illustrations of preventive measures. Reformatories and prisons are necessary elements of this system, but they are held to be places of discipline and education.

Legislation for crime rests upon the same foundation as primitive law, for the act and not the individual is the object of attention. The basis of the proposed system is a consideration of the individual in connection with his act and of his relation to the social whole. This is a radical departure from the dominant idea in the administration of law. Ideas of vengeance, repression, reform and prevention have been logical developments into each other. They are closely related and have been so intermingled that it is impossible to distinguish the exact period when each began.

The following is a brief résumé of the tenets of the criminal sociologists and indicates the divergences between it and criminal law principles.

1. Criminal sociology renounces entirely the law of retaliation as the end, principle, or basis of judicial punishment.

2. The purpose of punishment is the necessity for protecting society against the consequences of crime, either by moral reclamation of the criminal or by his removal from society. Punishment is not for the purpose of satisfying vengeance.

3. Society should have legal rights and privileges equal to those of the criminal, and systems and institutions should be modified to conform to this view. An absolute equality for each should be maintained.

4. In criminal sociology it is not sufficient to study the fact of crime. The criminal must also be considered. It has become necessary to define the causes which produce crime, to study the sphere of action of the criminal, as well as to give attention to measures for the safety of society against his acts. Criminal sociology does not study him in the abstract and speculate over his guilt and responsibility, but it analyzes him according to results of purely scientific investigation and with the aid of exact methods.

5. In crime the results of two factors are seen reciprocally reacting: (a) the individual peculiarities in the nature of the criminal, or his psychophysical organization; (b) the peculiarities of external influences, such as climate, country, social surroundings, etc

6. Relying upon exact methods, criminal sociology reveals the criminal as possessing an organization more or less unfortunate, vicious, impoverished, ill-balanced, defective, and not adapted to struggle with surrounding conditions, and, consequently, incapable of maintaining the struggle in legally established ways. This defect of adaptation varies with conditions.

7. The causes of crime are three: immediate, which arise from the character of the individual; remote, which are found in his unfavorable surroundings, under the influence of which organic peculiarities are developed into more or less constant criminal agents; predisposing, which push these ill-proportioned and viciously developed organizations toward crime.¹

8. Basing crime on scientific grounds, criminal sociology has for its purpose a fundamental study of the actual criminal and his crimes as ordinary phenomena, which it must investigate throughout their whole extent, from their genesis to their free growth and development; and thus the phenomenon of crime is united with great social questions and legal systems. Based upon these principles, criminal sociology logically recognizes an absence of reason in the repressive measures determined in advance, as to their duration and specific character. On the contrary, it affirms the necessity of studying individual characteristics before rendering decisions. The terms of punishment should endure so long as the causes exist which necessitate them, but they should cease with the causes.

9. Biological and anthropological studies are indispensable for placing penal legislation upon a solid foundation.

10. The certainty, not the severity, of punishment operates as a deterrent in crime, prevention being the object of punitive measures.

Upon theories and conclusions so radically different as those of criminal jurisprudence and criminal sociology it is

¹In his admirable work upon "Punishment and Reformation," Mr. F. H. Wines, among many other classifications, divides the causes of crime into individual, social, and cosmical. In enumerating the causes, he adopts an excellent method by using first those relating to the individual, as physical and mental desires; then broadening into those relating to the family, as education, discipline, etc. Following this are those of the community, as poverty, wealth, density of population, employment, rural or urban life, etc., and from this into the social and political whole, which includes legislation, government, war, etc.

difficult to see a means of reconciliation. The hope lies in the fact that the theories are more diverse than the methods of practical work, since jurists are to some extent recognizing the same evils and recommending similar remedies. In theory the one system is scientific, the other legal; one considers the individual and his environment, the other considers only the act; one is the result of a comparatively modern study of man and institutions, the other is based upon necessity and relies on the precedent of centuries, and on rules venerable for their antiquity; the one is revolutionary, the other is conservative; one is the result of the study of society and individuals, and consists largely of theories or propositions, the value of which is unknown, as they are mainly untested, while the other arises from the necessity of protecting society, and has already demonstrated its priority and efficiency in the matter of protection. In nearly all of the reforms suggested and enumerated hereafter some legislative action has been taken, varying in the different countries, but jurisprudence has made the attempt independently, and not by endorsing the tenets of criminal sociology. The tendency is, however, for jurists and scientists to unite in the effort for reform, and in the International Congress of Criminal Anthropology, one of the distinctive features is the prominent part that jurists take in the deliberations and debates.

If these sociological principles are applied to criminal law, what changes must result? These relate to both procedure and law, and include some already made and some which are required. No attempt is made to cover the whole field, but to indicate some of the most significant. These reforms are not urged each by itself, but as parts of a system of scientific jurisprudence. Some of the changes al-

ready made have not been eminently successful, because others have been omitted and the best results depend upon a unified system.

Under the reforms in procedure are included such as discussions of the jury system, expert testimony, evidence of accomplices, incriminating evidence, insanity and allied defenses, burden of proof, public trial, appeal, and minor loopholes of escape ; under law, discussions of habitual criminal acts, indeterminate sentence, indemnity of complainant, education and qualification of judges, attorneys and wardens, carceral regulations, prosecutors, and justice courts. Criminal sociologists have not been content merely to recognize existing evils, and they realize while arguing these changes that, when any system has obtained undisputed possession in a country* for many years, it has acquired the prescriptive right, and that, if anyone seeks to alter it or substitute a new one, the innovator is bound to show, not only a probability that the new one will succeed and be superior to the old, but that it will save for the government. Hence the reforms proposed are not revolutionary. First, those of procedure :

Jury System.—By the United States and by the various state constitutions it is provided that criminal trials shall be by a jury, which shall consist of twelve citizens, chosen in the district in which the case is to be tried. The verdict must be unanimous, based upon the facts presented in the evidence. Criminal sociology does not characterize the system as inherently evil ; the criticism applies rather to the degenerate practices. Legislation, while retaining the common-law form, has changed these into one of the most fruitful sources of crime. As it now exists, it is inconsistent with the theory of a scientific legal system. Originally

jurors testified and decided the issue upon their own knowledge, and were selected from the vicinage where the crime was committed, because of their familiarity with the facts and with its perpetrator. Now the rule is so far changed that such knowledge is a disqualification, and the method of selection has become a financial burden. Unless the following evils are remedied, the abolishment of the entire system is advocated :

(1) The system, as administered, is no longer a trial by a jury of peers, and this is due to these causes : (a) disqualifications and exemptions of jurors by statute ; (b) excuses by the court ; (c) failure in performance of duty by those who make up the lists, determine the qualifications, and deposit the ballots ; (d) the public and political apathy of the best elements of the community ; (e) the impotency of the oath from the decay of religious beliefs. As an illustration of the exemptions from jury service may be cited the New York law, where the statute provides for the excuse of fifteen classes of persons. Equally serious are the abuses of the power of the court in granting these to prominent citizens, and the collusion of those who prepare the lists and those who wish to escape service. (2) The interests of justice are not well served by reason of delay and heavy financial burdens. (3) The rules which govern the qualifications of jurors are such as to render the most intelligent, trained and thoughtful men ineligible. (4) The unanimity vote, which is almost universally required, prevents conviction of criminals. The percentage of convictions to commissions of crime shows clearly that society is inadequately protected. (5) The jury is incapable of dealing with criminal trials conducted upon a scientific legal basis. All questions of medical jurisprudence, or psychiatry, should be tried be-

fore a body of men possessing technical training, and they should be authorized not simply to make suggestions and render opinions, but give a real decision or final judgment. The right of a judge to demand the investigation of science, and then absolutely disregard its report is a manifest absurdity. (6) A large class of so-called "professional jurors" has developed in cities and is a source of much evil. (7) The conditions under which jurors live during a trial are prejudicial to fair verdicts. The illustration chosen from Dr. Crother's analysis of several juries best reveals the conditions under which jurors sit:

"In a recent noted trial, out of a panel of one hundred jurors, twelve men were finally selected, after a long, searching inquiry. Five of them were farmers, who worked hard every day in the open air, men who were unaccustomed to think or reason, except in a narrow way along their own surroundings and line of work. They were muscle workers, with but little mental exercise, living on coarse, healthy food, and sleeping from early evening to early morning. Of the rest of the jury, one was a blacksmith and two were mechanics, one was a horse trader, one a groceryman, one a retired farmer and trader, and the last was an ex-railroad man who had no business. Every one of this jury was accustomed to be in the open air. The trial lasted eleven days. The jury were boarded at a hotel, and had no exercise except walking to and from the hotel to the court room three times a day. Four of the jury complained of dull headache. On the fourth day five of the jury had attacks of indigestion, with pain and nausea. One had chills on the night of the same day, and was given quinine freely. Two men had attacks of what was called rheumatism, consisting of pain and stiffness of the muscles, and a physician was called. Eight suffered from insomnia and constipation after the fifth night. All suffered from bad feeling and dizziness while in the court room in the afternoons. Four had coughs and colds for which rock candy and rye whiskey were freely used. Several experienced extreme drowsiness in the court room. The arguments of counsel and the judge's charge occupied a day and a half. After the verdict and the discharge of the jury, four of them were confined to bed for several days."

It is the jurists who oppose reform in this system. Why? It is not an exploded theory or an obsolete fact that lawyers appeal more to the sympathy than to the reason of jurors,

and many rely almost solely upon them for winning a case. Absolute justice may seem less humane in individual cases, but the good to society is incalculable.

Expert Testimony. — The rule in all states is almost uniform, that when in the discretion of the court, it is a proper case for expert testimony, either party may call qualified persons, who shall give their opinion, which is often based upon hypothetical questions. In criminal cases the testimony of such experts is so imperfectly secured that in many instances it has no value whatever. Where experts are selected by opposing counsel, the result is necessarily flat contradiction, for each selects only those favorable to his own cause.

It is proposed that there shall be a permanent board of examiners, selected by the court, and not favorable to either party or to be remunerated by them. Here, again, attorneys are opposed to reform, for all other expert testimony would then be considered as opinion evidence. It is also proposed that the opinions of such a board be based not upon hypothetical questions, but that its members have a personal knowledge of the man on trial and all matters connected with the crime. All members of this board would then have equal facilities for making examinations or tests of the accused without interference by attorneys, and no member would make an examination, except in the presence of the others. In France, in most homicide cases, a medical expert is appointed to serve from the time the crime is committed, and is a close observer from that stage until the end of the trial. It is in the discretion of the judge whether other experts shall be admitted. In New York and a few of the other states it is provided that, where the plea is guilty and insanity is alleged, the accused can be adjudged

insane and committed without standing trial, but this only operates where the plea of guilty is entered. The cost of the present system is also a fatal objection. In the noted Fleming murder case in New York the cost was approximately \$12,000. A board of experts would receive salaries scarcely exceeding this amount yearly.

Evidence of Accomplices.—It is a rule of practice, and in some states it is provided by statute, that the prosecutor can accept the evidence of an accomplice, and in return grant him immunity from punishment. This is a survival of the early common-law rule of approvement, where one indicted for a capital offense might confess the fact in order to obtain pardon, and was termed an accuser. The person accused was tried, and, if convicted, a pardon was granted the accuser; but if the accused *was not convicted*, the accuser was executed. The practice in the United States is that the testimony shall not be used to convict the accomplice, even if the accused is not convicted. If the object of convictions is protection to the state, it is not quite clear what the gain is when one avowed criminal is turned loose in order that another may be convicted. Not infrequently the greater criminal is released (*Lindsey v. People*, 63 N. Y., 143), although some of the states have sought to avoid this result (*State v. Ray*, 1 Gr. Ia., 319). It seems inconsistent that to procure the *chance* of conviction of one whom the law assumes innocent another whose guilt is *unquestioned* is pardoned, and this lest the tender sensibilities of the criminal be wounded by a personal examination, as is permitted in France. A conviction may be had even on the uncorroborated testimony of an accomplice, but this is not the general rule in the United States (1 Gr., 316). In 9 Cowen, 707, the rule is stated that the least guilty morally

and least hardened is selected for state's evidence, and it should appear probable that his testimony will secure a conviction, without which it would have been impossible. This is, however, more theoretical than practical, for care is not always taken to select the least guilty, or to resort to it only when conviction seems impossible. It is inevitable that one criminal must escape, and it is a reflection upon the ability of the law that it must secure convictions with the aid of accomplices.

Incriminating Evidence. — Closely related with this rule is that which provides that a witness is not compelled to incriminate himself, and need not give evidence if he is a party defendant. This is also a modified survival of the earlier English common law. One advance may be said to have been made, in that, if a criminal elects to give evidence, he subjects himself to all the hardships as well as to all the privileges granted to other witnesses, although he cannot be examined as to matters in regard to which he has not testified (*People v. O'Brien*, 66 Cal., 602; *State v. Chamberlain*, 89 Mo., 129). With one exception (*Com. v. Cleaves*, 59 Me., 298), no inference can be drawn from the silence of the accused (*People v. Tyler*, 36 Cal., 522; *Price v. Com.*, 77 Va., 593). The rule in some jurisdictions has been so extended that the prisoner need not give evidence which tends merely to disgrace him, and is himself the judge as to whether the testimony will incriminate him. In Austria and France prisoners are interrogated on the theory that no criminal should be allowed to menace society through his liberty, and that all efforts to prevent this are just. It is true an interrogated criminal will not often answer truthfully, but it would be much more difficult for him to establish his innocence were he not given the *benefit*

of his silence. In justice to the state, his silence should be construed against him. So long as the tendency is to grant greater immunity to the accused, a decrease in crime is impossible. The certainty or *reasonable assurance* of not being convicted is one of the strongest incentives to crime, and, judging from the present ratio of convictions to crimes committed and number of recidivists, the risk seems well worth assuming.

Legal Insanity. — With the technicalities of legal insanity, involving the numerous questions of degrees, proof, elements constituting insanity, etc., criminal sociologists do not deal, although the inadequacy is recognized. The question whether the test of insanity shall be the legal or medical one is not so much considered as whether one acquitted on the ground of insanity shall be released. Insanity should be no *defense*, although it may be an *explanation*. The insane criminal is as dangerous to society as the sane criminal, and, being equally unreclaimable, should be incarcerated. Persons of weak intellect who have been previously convicted are fit subjects for incarceration. The absolute release of insane criminals has led to an abuse of the plea of insanity, and if crime is to be lessened by the prevention of further acts, and a transmission of defective organisms to descendants, incarceration must be assured. In France, Germany, Belgium, Austria, Hungary, and the United States an insane criminal, when acquitted on the ground of insanity, is withdrawn from all judicial control; but in Denmark, Russia, Spain, Holland, and England the judiciary is empowered to order seclusion in an ordinary or criminal asylum, or to keep the person under police surveillance. Italy, also, by her penal code of 1889 (Art. 46), gives a similar authority to her judges. Kleptomania and intoxication are urged as defenses.

In some few jurisdictions the former is admitted as such, while the latter is not so held, although it may mitigate the punishment. The same objections apply to these.

Burden of Proof. — It devolves upon the state to show that the accuser is guilty, and there is thus a presumption of innocence. In justice to the state no presumption should exist, for it is as equitable to require the criminal to exculpate himself as for the state to inculcate him. The aim is to place the state and the accused upon an equality. It has been suggested that the verdict of "not proven" be restored in cases where the evidence showed guilt but was not sufficient to convict.

Appeal. — The general rule is, a decision against the state is final, unless there be some error in the indictment, or the court has not jurisdiction. There are no other grounds common to both state and accused, but there are many technicalities upon which the latter can secure an appeal. The defects are: The system is too elaborate and one fair trial and one appeal satisfy justice. This would avoid much litigation. The same ground upon which an appeal is granted the accused should be extended to the state. Because one court acquits, it does not establish the innocence of the accused, especially when the appeal is granted upon a legal technicality and deals only remotely with the question of guilt and innocence.

In the United States the tendency is in favor of equality. However, the common-law rule remains in force in many states. The law that a person shall not be placed twice in jeopardy for the same offense is made a barrier to appeal by the state. In the case of the *State v. Lee*, 30 Atl., 1110, which arose under the Connecticut statute No. 1637, in which it was provided that a case may be taken from the

Superior to the Supreme Court, with permission of the presiding judge, on all questions of law, in the same manner by the state as by the accused, the extent of equal appeal has been reached. The reasons for a change are if an individual has a right to claim that he shall not be condemned through mistakes or ignorance, the state also has the right to demand that when an acquittal is the result of these he shall not be allowed to go free. The justice of a sentence rests equally upon a fair condemnation or a fair acquittal. The rules of former jeopardy, incriminating evidence, public trial, and many others, which grew out of the severity of early common law, are now only a menace to society, and the rules governing appeals are also such.

Public Trial.—The accused has a constitutional right to a speedy and public trial. This is for the benefit of the accused, that the public may see him not unjustly condemned, and that the presence of spectators may keep his triers alive to their responsibility. This requirement is fairly observed if, without partiality, a reasonable portion of the public is suffered to attend (Cooley's *Constitutional Limitations*, p. 379). Criminal sociologists demand a greater restriction in public trials and executions, upon the theory of criminal contagion. Public trials, together with the newspaper reports, form an important agency for the extension of crime. Knowledge which lowers the moral standards of the community may not make the latter more criminal, but it does lessen its resistance to criminal influence. This is seen by the many well-known epidemics of crime, which show so admirably the power of imitation. In the United States so firm is the belief in this relic of mediæval barbaric practice that it is incorporated in nearly if not all state constitutions. There is a discretion vested in the judges, but they

have been reluctant to exercise it, probably because it is not unlimited and has often furnished a ground for reversal (*People v. Hartman*, 37 Pac., 153). Cases giving a liberal construction of the rule are *Grinnette v. State*, 22 Tex. Ap., 36, in which exclusion was held not to be a violation of right, wherever it was necessary to support public morals and protect witnesses, and *People v. Swafford*, 65 Cal., 223, where all were excluded except those connected with the case. Public executions are also a source of perpetuation rather than of prevention of crime; and it has been shown that publicity does not operate as a deterrent. The indiscriminate admittance of newspaper representatives permits them to give a multitude of small details which have a detrimental effect, especially upon the curious and morbidly inclined.

In addition to these there are a number of loopholes for the escape of the accused, which it is difficult to remedy by legislation. An enumeration of a few of these show how many opportunities are afforded for escape through the faulty system of procedure. The accused may be discharged by the magistrate, the grand jury may fail to indict him, the indictment may be pigeon-holed or quashed, he may be discharged upon recommendation of the prosecuting attorney, acquitted through lack of proof, or upon a technicality, or through disagreement of the jury. Where a jury disagrees the subsequent one is influenced by this fact and acquittal more often than conviction results. In addition to all these the accused may "jump his bail," witnesses may die or disappear, and the amount of bribery is inestimable. The state is not equally aided by these possibilities.

Desirable changes in law are :

Habitual Criminal Acts.—To prevent growth of crime,

special legislation is urged for habitual offenders. The criminal in connection with the crime should be judged; and the theory is, for each additional commission of felony there should be an increase in penalty, and after the third imprisonment sentence should be indefinite, pending the decision of certain officials. A decrease of crime is anticipated in two lines—cutting short a probable career of crime, and preventing the creation of families of paupers or criminals. In 1895, Connecticut passed a statute which provides that no man or woman either of whom is epileptic, imbecile, or feeble-minded shall marry while the woman is under forty-five years of age, the penalty being imprisonment for three years. The object is prevention of defective organisms. Two somewhat radical bills along this line have been introduced. In Michigan, in 1897, one for asexualization of inmates of state institutions for epileptic and feeble-minded persons convicted of the crime of rape, and those for the third time convicted of felony. This bill did not pass. In Ohio, in 1898, one was passed which provides that it shall be the duty of the probate judge in each county to appoint an examining board of three physicians who shall consider and pass upon all applications for licenses to marry. By the terms of this law, this board shall not be allowed to grant a license to persons contemplating marriage, unless upon examination they are found to be free from true insanity, dipsomania, hereditary insanity, and tuberculosis. An appeal may be taken to a state board. Prevention of crime and disease by limiting the transmission of defective organisms is the object.

The majority of the states still maintain the maximum and minimum penalties, and the discretion of the judge is permitted to run the gamut between them. States which

have habitual criminal acts are: California, Virginia, Massachusetts, Missouri, Illinois, Maine, Ohio and Connecticut, and others have laws which contain some such provisions. All of the statutes provide that after the commission of two or more felonies there shall be imprisonment for fifteen years and upward, and that the prison officials or board of pardons shall have power to release on parole or without condition. These statutes have been subjected to various attacks. It has been sought to hold them unconstitutional on the ground of constituting second jeopardy (*People v. Stanley*, 87 Cal., 113); that they violate the provision that the penalty shall be proportionate to the offense (*Kelley v. People*, 115 Ill., 583), and that they are cruel and unusual punishments (*Sturtevant v. Com.*, 33 N. E., 648). In most instances the statutes have been sustained. These laws are a recognition of the differences existing between old and first offenders.

Indeterminate Sentence.—This is indispensable to the success of habitual criminal acts. Both these measures were advocated before criminal sociologists adopted them. The Swiss Prison Reform Association first introduced indefinite segregation of habitual offenders in 1867. In the United States the maximum penalty is retained, but the minimum is removed, the discretion as to the time of release being vested in those in control of the institution to which the offender is sent. Reformation is the object of this law, and the idea is to apportion the length of the imprisonment to the nature of the delinquent and to the degree of his perversity, and to prevent his return to society before his evil tendencies are enfeebled or neutralized. This law protects society from having thrust upon it at the end of a definite time individuals who are unfitted to return. New York, Massa-

chusetts, Ohio, Pennsylvania, Kansas, Maine, Louisiana and Illinois have been foremost in passing these acts, and conditional liberation is provided for; but in no state has the maximum penalty been removed. As a result, the criminal, if his offense is not serious enough, may return to society regardless of his fitness at the expiration of his maximum sentence. The Elmira Reformatory has ably demonstrated its possibilities. For effective service these laws require: (1) The best institutional staffs, for they have charge of the prisoners and determine when they are fitted to return. These officials should be removed from political influence, and ability and training be made the basis of appointment. Training-schools for prison officials have been established in Italy, France and Belgium. (2) Bertillon system of identification. Photography has proved inadequate, and a number of states have already adopted this system. Where identification is difficult, criminals migrate from one city or state to another where they are unknown. (3) Institutions for habitual offenders who are beyond all reclaim. These institutions should aim to be self-supporting and reformatory measures be minimized.

Indemnity of Complainants.—In all cases where the state prosecutes the offender and fines are paid or the convict works out his sentence, it would seem just that the complainant should receive indemnity for the injury. Where the state pays the expenses this is not so feasible. The injury is to the complainant and it would seem that the people receive a bonus for prosecution. This is not justice as between all parties concerned.

Education of Jurists.—The training of criminalists should vary from that of civil law. Studies which qualify for the latter do not necessarily do so for the former. Both judges

and attorneys need studies in the fields of science, biology, and sociology, while civil jurists might find historical, political, and literary studies of more avail. The problems in the latter case are more abstract and call more for theoretical than practical knowledge. The criminal law specialist needs wider training in criminal jurisprudence, both in its historical and comparative aspects. The curriculum of law colleges could well recognize the tendency to specialize, by devoting the first two years of its course to general law and requiring the student to take studies in the third year which fit him for his own branch. Thus, the year for criminal law specialists would include such as clinical study of criminals and courts, researches into evolution of law, medical jurisprudence and comparative criminal law, as analysis and digest of criminal codes and laws of other countries. The criminal specialist might also deal with cases of torts, law of persons, etc., for here the underlying principle is injury by one individual to another, as in crime. Constitutional and corporation law and property laws, etc., deal with acts through a more indirect medium.

The legal machinery of criminal and civil cases is too much interwoven. Except in police courts one judge has charge of both classes of cases. The interests of justice would be best served if criminal, tort and other cases were tried in one court, and attention given to analogous cases. Now judges often have jurisdiction where they are not qualified and have no interest.

The establishment of the juvenile court in Chicago and its marked success has demonstrated that separate courts are not impossible and that a judge who gives his sole attention to children and laws regarding them is better able to decide wisely than is one whose interests lie more in other fields, or

one who deals largely with matters of record. The main points in the juvenile court organization are: it deals with dependent, neglected, and delinquent children, the last-named class being tried separately from the first two. Children cannot be confined in jails or police stations while awaiting trial. Probation officers are also provided who have charge of the children before and after trial, and who investigate cases and report to the court. These children are sent to institutions, boarded out, returned to the homes, etc., as the nature of the case justifies. No officer of this court is connected with any other. This plan of separation can be easily extended. Chancery and criminal cases are distinct, but one judge frequently has jurisdiction over both.

Carceral Regulations. — The success of a scientific system of jurisprudence depends also upon these. When reformation and prevention of crime are the objects of imprisonment these become of the utmost importance, and depend upon legislation. The most prominent regulations which are retrogressive include:

Legislation restricting or prohibiting labor. This limits the opportunities for becoming proficient in trades, tends to decrease the adaptability of the prisoner to society, and prevents his procuring an honest livelihood upon his release. In the United States, in the majority of institutions, labor and the learning of a trade are compulsory, and provision is made for it. In some states, as New York, for political and economic reasons, the legislatures have prescribed the variety and amount of labor which shall be done by convicts. This may reduce the competition with outside establishments and manufactories, but the ultimate gain to the state or society is not quite so clear.

The indiscriminate incarceration in prisons and jails of youthful and old offenders. This is a well-recognized source of criminal contagion, and is a reform advocated early in the beginning of the present century. France has the most complete system in this respect, although many faults remain. It includes five classes of prisons—those for criminals with long sentences, those for criminals having short sentences, correctional establishments, lockups, and depots for convicts sentenced to relegation and hard labor. There are committees which classify the criminals and determine the destination of every one arrested and convicted. The rule is rigid that first offenders shall be kept separate.

In America there are two extremes represented. In the North, by the cellular system at Philadelphia, where no social intercourse is allowed and the other by the congregate system in the South where all social intercourse is permitted. Neither is eminently adapted to reform or to fitting the prisoner to adjust himself more completely to social laws, when released.

District Attorneys.—This has received some attention, but needs regulation rather than legislation. Justice is not always best served by the attitude taken by them, and their bitter antagonism is not in accord with the principles of criminal sociology. Their duty should be as much to save the innocent as to convict the guilty; but many of them are imbued with the idea that they *must* convict at all hazards. In some states the practice of awarding premiums for convictions is authorized. Apart from acknowledging defects in the legal system, this practice does not produce a greater number of convictions. The abuses by attorneys consist largely in opening the case and argument to the jury and abuse of defendant; which often serve to influence the jury

in favor of the accused. The office is one which is usually filled by election and the number of convictions made is not infrequently used as a means of reëlection. Under a scientific legal system a radical change in this respect would be necessary for the spirit of prosecution should be one of fairness.

There is one other branch of jurisprudence which has grave defects. These are the justice and police courts. Justices and police judges are often without legal training, the procedure lacks dignity, and the court room is filled with hangers-on, and even children are not barred. Cases are rushed through and the "fine" system is in force, often without discrimination of persons or offenses. Habitual criminals and first offenders are often dealt with alike, and these sentences, through their lack of discrimination are often the first step by which the latter develops into the former. Lawyers who are not qualified to practice in other courts hang about here waiting to exercise some trickery.

In the South conditions are not improved. There is frequently collusion between lawyers and justices. A negro asks a lawyer how much it will cost her to whip Laura Brown. The lawyer sees a justice and arranges that the fine shall be \$10. She is cautioned to do no "cutting," only whipping. If her wrath is equal to \$10, Laura Brown gets a whipping. The negro is fined according to contract, but also gets classed among criminals. The justice of peace office is one which few respectable men in the South will accept. The salary is small and the general rule is no conviction, no fee, for either jury or justice. This is a direct bribe for conviction. There is often small chance for appeal, for a \$100 bond is required, and few negroes are able to secure it. Justices and constables are often in collusion. The constable gives a negro, called a "striker," money to go out and

play craps. He informs the constable when and where he will gather men to play. Then the constable swoops down and arrests them. The striker gets a dividend and the constable and justice also profit by the transaction. If a man cannot pay his fine he goes to the county farm, where he works out his sentence, so the county or state is never the loser through a convict. When there were negro justices results were even more unsatisfactory. Often the sentences given were so severe that the white custodians would take the convicted outside and let them go. In one instance a witness was giving evidence which favored acquittal. The justice called him off the stand and said: "This evidence doesn't suit me, sah. I dismiss you and fine de prisonah 50 cents and costs, anyway." At another time the jury brought in a verdict of "not guilty." The justice, much disgusted, announced: "De verdict doan suit; I set it aside an' retry de case."

There are some American conditions which make the country imperatively in need of a better legal system. These render it incomparable with European countries, for they constitute obstructions to a uniform system of jurisprudence, which do not exist elsewhere.

1. The form of government is, perhaps, one of the greatest impediments. Each state enacts its own laws and penalties, and has its own procedure; and, as a result, all grades of punishment and different methods of procedure exist for the same crime. A serious crime in one state may be only a misdemeanor in another, and the range of penalties in one state may often result in a criminal's receiving a maximum penalty for a crime in one jurisdiction, while in another, under precisely similar conditions, only a minimum penalty would be imposed. This discrepancy is often seen in com-

paring states. The impossibility of uniform law is well illustrated by the laws of capital punishment. With the exception of four states, it is the penalty for homicide ; in less than half the states it is the penalty for both homicide and treason ; in nine states arson and rape are added to the above. In this connection it will be gratifying to note the late revision of the federal law relating to capital punishment. The bill was introduced in Congress by General N. M. Curtis and was passed in January, 1897. At the time of its passage there were sixty offenses punishable by death on the United States statutes. By this bill the number is reduced to some half dozen offenses, and it is provided that in certain cases a verdict of "guilty, but without capital punishment" may be returned. The varying methods of arrest, identification, and of police and judicial systems only add to the hindrances against uniformity.

2. The negro element of population, which presents such a large class of citizens out of harmony with the advanced civilization existing in the greater part of the United States, is responsible for no small degree of criminality, and has given the United States the preëminence which it has, as the advocate of lynch law. The number of executions by lynching was twice as great in 1890 as the number of legal executions. This is a condition which must be considered in the discussion of better administration of criminal law.

3. No small portion of criminality is due to immigration, since a comparatively large portion of criminals are foreign-born. No country which receives the convicts and outcasts of other countries can expect a decrease of crime by an improved system of law while the influx continues.

From the preceding statements of the lines of reform which criminal sociology advocates, it will be seen that it

and jurisprudence are vitally related, and that one purpose of the former is to provide a more accurate, logical basis for the latter, to eradicate many of the existing practices which have their justification in ancient society, and to introduce the scientific method into the system of administration. It will be seen that only a comparatively small number of isolated attempts have been made in the direction of the "new jurisprudence." These isolated attempts are of doubtful value, as most of the reforms are closely related or have developed out of each other, and, if given a fair test, it should be as part of a system. This can be well illustrated by the operation of the habitual criminal act in Massachusetts. There is no accurate method of identification, and most of the neighboring states have not similar acts, and the effect has been, not to *diminish* the number of criminals, but to drive them into other jurisdictions after the first conviction for crime.

If there is to be progress, criminal sociology and criminal jurisprudence must coöperate, and while there is much to be criticised in the work of the scientists, the judiciary is itself too faulty to be the critic. If the science demonstrates that its principles are enduring, its proposed changes sound, and its knowledge trustworthy, it must have a beneficial result in its application to jurisprudence. It remains to be seen whether this will result from coöperation or substitution of principles or whether the precedent of the legal system will remain unchanged.

In support of the belief that sociologists and jurists will work together for a scientific system of jurisprudence, may be given the organizations which now study both fields and attempt to relate them.

First in importance is the International Congress of

Criminal Anthropology, which meets biennially. Its work consists of papers, discussions, and reports upon the various lines of work, and investigation which its members pursue in the interim. This association is the great center and impetus of the scientific study of crime and the criminal, and its work extends directly into the countries of France, Germany, Italy, Austria, Russia, the United States, and South American republics. Its members include prominent scientists, jurists, physicians, alienists, and professors, and the field of investigation is correspondingly broad. In 1889, in Brussels, the first meeting of the Criminal Law Association was held. The organization was due to Professor von Liszt, of Halle. In 1892 the membership exceeded five hundred persons, and included a number of citizens of the United States. This organization was indirectly the result of criminological agitation, and, while composed largely of jurists, its fundamental principles embody the following salient propositions, and membership requires adhesion to them :

1. Penal science and penal legislation must take into consideration the results of anthropological and sociological studies.
2. Punishment is one of the most efficacious means which the state can use against crime. It is not the only means and must not be isolated from the other social remedies, nor lead to the neglect of preventive measures.
3. The distinction between accidental (occasional) and habitual criminals is essential in practice as well as in theory, and must be the foundation of penal law.
4. So far as incorrigible or habitual criminals are concerned, the association holds that, independent of the gravity of the offense, the penal system should aim at placing them for as long as possible under conditions where they can do no injury.

The annual meetings of the International Congress of Psychology devotes one of its sections to work in pathological psychology. Many prominent psychologists are interested in this field, and papers relating to the bearing of psy-

chology upon criminal law, heredity and psycho-pathology, criminal suggestion, etc., are read and discussed. The tendency of psychologists to study the abnormal, in addition to the excellent work being done in the study of the normal, is of especial value in advancing criminal sociological studies. In some universities the scientific study of crime is being conducted in connection with psychological and sociological courses. At meetings of the International Congress of Demography, the study of crime is considered in relation to movements and development of populations. The International Prison Association is one of the most influential organizations in the development and dissemination of criminal anthropological ideas and aims. This association is of American origin, being due to the efforts of the late Dr. E. C. Wines. Its work is valuable, because its members are largely engaged in the practical application of the law, and in the direct management of criminals.

In America, among the numerous organizations may be mentioned some whose work is especially valuable. The National Prison Association, which meets annually, gives its entire sessions to a consideration of crime, legislation and prison management. The Medico-Legal Society, which is making strenuous efforts to bring medicine and law into a closer harmony, is a strong organization, and by its publications and meetings is doing much to extend the knowledge of criminal sociology. The American Association of Social Science, in its discussions and publications, has given especial attention to this subject and its reports are included among the most valuable printed in English. The American Statistical Association has contributed some interesting papers in anthropometry and criminal statistics. The National Corrections and Charities Association contributes

much valuable material, particularly upon defectives and dependents. The American Economic and American Bar Associations have taken up the problem from their respective standpoints.

CHAPTER XIII.

SUGGESTIONS FOR PREVENTION OF CRIMINALITY.

THE purpose of this chapter is not to review the movements which have prevented criminality, for many have been referred to in other chapters, but to present the result of investigations along lines not so familiar. Vacation schools, social and industrial organizations, employment bureaus, societies in cities for the protection of women, mothers' aid associations, womens' club movements, manual training schools, substitutes for saloon, libraries and numerous other movements have been referred to, or are too well known to require explanation. The less familiar needs to which attention is called include department store schools, home employment for women, advertisements, public playhouses and games, tests of education, training for correctional institution officers, and kindergartens in the South. The basis for the proposed changes has been the experimental method: Department store schools were visited and standpoints of teachers, children and employers obtained; numerous advertisements for home employment were answered; experiments were conducted for three years with classes in game work; tests of education are based upon previous laboratory work with criminals; training for institution officers is based upon the experience of the author's assistant as an institution employee, from the author's residence in institutions, and interviews; and kindergarten suggestions are the result of personal observations.

Department Store Schools.—Despite laws which prevent

abuses in child labor and which limit the ages for various occupations, there are numbers of children in employments who have little or no education. In some way they have escaped truant officers and compulsory education laws, and when they become wage earners, they are even more effectually removed from these.

Attempts have been made to meet the educational needs of these through night schools, but it is impossible for them to do justice to studies after a day of labor, for good concentration and constant application are not possible. Night schools are often inaccessible, especially for girls, and require car fare and fair clothing, and these are important considerations.

In department stores in cities there are thousands of children who can be benefited by a very simple system. Ten years ago it was inaugurated by the Fair in Chicago, and within the past year four Chicago firms and at least one in New York have introduced it. But it is not a general movement and has not received the extension of which its practicable nature admits.

The plan is the establishment of schools, maintained by department stores for the benefit of its cash boys and girls. In operation it is this :

Usually the teacher is one of the employees, who has previously taught or is otherwise qualified. The school rooms are some part of the store set aside for this purpose. In two, light, quiet and good air are found; in the three others, a part of the employee's restaurant room is used, and here children study and recite under some difficulty. In two where girls are the attendants, sessions are held each morning from 8 until 10 o'clock. In two others, the school periods are two hours twice or three times each week and in one

other, one class attends for two hours each morning for a month and then another class is taken. All school sessions are held during the morning.

Not all of the children are eligible. Only the younger employees, and those best spared and those needing it are selected. Upon the work done in the school often depends promotions, as from one grade or department to another, and finally to more responsible positions. It is impossible for all of them to attend at once, and the estimate is that about one-third of the whole number receives instruction during the year.

The nature of the instruction varies in the different stores. In some, the methods are more modern and individual training is attempted; in others it tends to make study difficult. The subjects include arithmetic, reading, writing, spelling and geography. Strangely enough grammar is omitted in all of them. In two schools English and music are introduced and in one other history is used to a small extent.

From observations of the work in all these schools, the interest of the pupils seems remarkable. They are anxious to study and esteem it a privilege and honor. The stores furnish the books but the children are not allowed to take them home for study. Despite the fact that study and recitation are both conducted during school sessions much is accomplished. In one store a small library exists. Though its volumes number only about twenty and have been repeatedly loaned to the children, only one has been lost. This represents in a general way what has been accomplished in these schools.

This by no means represents the possibilities, and so long as there is necessity for employing children, there must be opportunity for the development of this kind of instruction.

Among the possible changes and extensions are included the following.

A great need is that the teacher should have larger opportunities for working with the children and for developing her work. Where she must spend the remainder of the day in the store or office, she is handicapped. She needs time to develop her school work, to visit the children and their homes and to ascertain the conditions so that she may supply some defects which are found to exist. Thus, a study of the homes often reveals poor sanitation, lack of cleanliness, no opportunity for the teaching of morality and good habits. To meet these defects studies should be somewhat changed and series of short talks could be given weekly or semi-weekly upon personal habits, cleanliness, etiquette, reading, etc. These children have entered upon commercial or business careers and such talks would be profitable to them and to the store, if they also included lessons upon thrift, honesty, truthfulness, sources of gain, bases of promotion, elements of success, principles and ethics of business, etc. Some of these talks could be given by practical business men and others could probably be secured gratis through university extension departments, as there are generally students glad of an opportunity for such social service.

The schools are at present ungraded and lack system. Sessions could be extended over a longer period if the children came in small detachments. This would always leave a force to meet the demands of trade, and would make it possible to reach larger numbers.

Provision should be made for some study at home. This would have two beneficial results—larger numbers could be trained if more time was given to recitations; and books would be introduced into the homes.

Another need can be adequately met by department stores with but small outlay to themselves. This is the establishment of circulating libraries for employees. Public libraries might be induced to establish small branch stations in these stores for the supply of books to the adult employees. But children need their own libraries. The teacher can then supplement her school work by assigning reading. As she finds defects and needs she can make out a course of reading which will meet these. The books must be interesting as well as instructive and if the teacher has control of her own books, this can be attained without difficulty. These stores can secure them at rates which will make libraries comparatively inexpensive. These should be open to all the children, and should be selected with reference to their especial needs. Periodicals might be added for circulation but care must be taken in the selection. Through this agency many homes would be reached and some degree of elevation of taste and desire for reading accomplished.

Public libraries as at present conducted do not meet the needs of such children. Hours and locations are often not convenient; guarantees are required which it is difficult for them to secure and the juvenile books are not carefully selected. A child can draw books which only an adult should read as easily as he can secure suitable ones. There are often not enough duplicates to meet the demands.

In close connection with the library, but farther removed in possibility, is the play room. Almost every great department store has some space which could be utilized in this way. The lunch hour is now often spent in idleness. Cash boys and girls come from surroundings where there is but little opportunity for recreation or physical outlet. A small room in which they could play simple games during lunch

hour each day would aid materially in health and development. It is not enough that they work. Every child needs some period of healthful play, else when he comes into manhood it is with depleted vitality, deadened interests and a sense of the drudgery of living, rather than of freedom in it. Play is essential not only for recreation but in forming the basis for healthful functioning in society. Teachers could have charge of this.

This brief sketch of what has been and may be accomplished in these department stores would be incomplete without the mention of another plan which is about to be put into operation. This consists of a course of lectures upon various topics for all the employees, to be given in the store at a time when there is the least demand upon the force. These are to be brief and are designed to meet the needs of the employees.

The department store has within its control a large number of persons and is in a position to give them many advantages with but little effort or loss upon its part. The increasing realization of this truth makes this a most promising field in which to hope for social progress.

There are three enterprises which it has been the author's privilege to investigate and they are grouped together because advertising is the medium through which they reach the public. Only one of them is a direct cause of crime, but the others affect economic and moral standards and are important for these reasons. They are advertisements for home employment, for office employees, and for articles which are morally unwholesome.

Home Employment.—There are two classes of women peculiarly susceptible to this—the one who must support herself, and the other who must supplement a slender in-

come or live in a less desirable way. Home employment appeals to women for many reasons, a few of which may be mentioned: It is difficult to secure positions in open competition; there may be children with whom they wish to remain; some are ill or cannot endure the strain of long hours and close application; others occupy social positions where it is undesirable that they rank themselves among business or laboring women; and still others wish only pocket money or to occupy their leisure. But it is upon the class that must work that the losses fall most heavily, for they make contracts without investigation, and have no means of recovering losses.

There are undoubtedly many women who are earning livelihoods through home employment, but it must be acknowledged that the frauds are so numerous and the losses so great that there should be thorough investigation.

What is the economic significance of the revival of home employment? Why should manufacturers prefer to have work done in the homes instead of in well-regulated industries? In more primitive society the plan was wholly feasible, for then the whole family accepted it seriously as the means of livelihood. But in this age of sharp competition and in complex communities, it is clearly an effort on the part of the employer to evade conditions governing production and markets. It is really a refined form of the sweat-shop system, for in effect it is much the same. The work must be done at a lower rate than in factories or else the mail and express bills could not be included, for New York and Philadelphia firms advertise for workers in San Francisco and New Orleans. Wages paid must be low. This means if the cost of production is lowered that these manufacturers can undersell others or make large profits. In

such a system of employment there can be no organizations for protection, or no inspection. It is exceedingly difficult to suppress frauds, for most of the transactions are conducted through the mails, and workers are unknown to each other. Often only a postoffice box number is given, the firm name being suppressed. The amounts lost are usually small and there are rarely prosecutions. But these small individual losses make large aggregates.

Aside from the economic side, there is a strong sympathetic one. Women have been met in the course of the investigation who had made many sacrifices to send for machines or materials. As the days passed and they did not come they lost hope and began again; or else they would undertake the work and spend many weary hours only to have it returned again or never acknowledged. When the woman is a mother with little ones dependent upon her, these methods become positive social evils. Where one woman can afford to laugh at being "taken in," it is difficult for her to understand that by patronizing doubtful employers she is aiding in impoverishing her neighbor and children. As members of a social group there are responsibilities for every portion of that group.

Aside from these phases of the situation the methods are of interest. A few out of many investigated are outlined as illustrations and are the most typical.

One is advertisements for women to do writing or copying at home. Upon sending an application containing a stamped envelope the applicant is requested to send ten cents for instructions. Some firms require that the materials used shall be purchased of them (at exorbitant rates). These advertisements are often schemes for obtaining subscribers for various business schools. One must often learn their method

before any work is given. There may be three sources of profit here, the one upon the book of instructions, upon material, and upon pupil. Some small schools pay a part of their expenses through such resorts. These methods recognize a true psychological fact, that many persons who are seeking employment are easily discouraged, require change, and pass from one interest to another. They do not desire experienced persons, and the gains from those who drop this work, after sinking small sums, is large. The inducements held out in such work are so great that unless immediate returns are forthcoming, some other scheme is undertaken by the employee. It stands to reason that if any home employment yielded anything near what is advertised (\$18 per week), that factories, stores and many other occupations would be left vacant.

Another method is to require ten cents for instructions and then spring some canvassing scheme. In canvassing there is of course, remuneration, but just why the small sum for instructions is required when one cent would probably cover the actual cost of printing is not clear unless it is for the employer's gain. The method is not justified even by the fact that canvassers are difficult to secure, and novel methods are needed.

Another more elaborate scheme is this, used chiefly in the manufacture of artificial flowers and kindred articles. A book or letter of instruction is first purchased. Then, in order to work, a membership fee of \$2.50 is required. Then the material for work must be purchased of the company. No matter if the employer is in Maine and the employee in California, there are the express charges which one way are deducted from the latter's commission. There are four sources of profit, one upon the instructions, another upon the

membership, a third upon the material and the fourth upon the labor. This is, providing your finished labor is *accepted*. One company requires its employees to accept material only in lots worth \$20, one-half in advance, the other half c. o. d. This requirement is not made known until the membership fee is paid. Few women are in a position to expend such a sum and do not like to accept the risk of borrowing. Some companies require the worker to provide a market for half the product in her town, another gain to the manufacturer. The latter determines what finished articles are acceptable and pays only for these. All of these various little catches are developed only after the payment of the membership fee.

Perhaps the best known schemes are those for doing art work at home. This is the most dangerous because it appeals most strongly to women. It enables the flooding of markets with cheap work, which from the view of social æsthetics is undesirable. In this "no experience is required." Before work is given out an outfit must be purchased. For crayon work this consists of an eraser, piece of sand-paper, chamois skin, charcoal sticks and a rubber stamp. It costs the employee \$2.50 and the employer about 18 cents. The former sends a picture, an outline of which is returned to be done in crayon. The investigator requested a first class artist to fill in this outline and her work was returned three times, the express being paid by her and then the matter was given up, and yet this firm required "no experience" for its work. The object may be to discourage workers after the outfit money is obtained, or it may be to secure markets through workers, but certainly many are discouraged.

Among the plants of these firms one finds sometimes only an office large enough to carry on the mail business, and

sometimes a flourishing place of business, to the expenses of which home employment women contribute. Just why a Philadelphia firm advertises for home laborers, west of the Rockies, where heavy express charges are involved is difficult to see, when the prices advertised would press every available person near Philadelphia into service and would more than supply the needs of the employer. When an employer in a city advertises for workers outside his own city, he is incurring an expense which can only be explained upon the ground of greater profit to himself.

There is one other device which deserves notice, namely that of making sample patches. To one firm where 75 cents was sent, no reply ever came, to another a machine was sent, the scheme being simply one to put these machines on the market. No work was ever sent, nor was it possible to continue the correspondence. In any case the machine had of course furnished a consideration for the sum sent.

These are only a few among the many devices. Those familiar with the advertisements will recall the fact that they appear frequently in papers and magazines reaching rural populations. Farmers' journals are crowded with them. This class of people are very slow in exposing frauds or seeking redress, and as the sums lost are small, the companies are comparatively safe.

There are other forms of employment in which women are engaged, which, while not involving fraud, yield such poor returns to the employees that the profit of the employer must be large. Clipping bureaus are an illustration. These usually require a membership fee of \$10, upon which dividends are to be paid and the money refunded if the work is given up. The author experimented with one of the best of these companies. Two persons were employed who looked over

about 70 papers weekly which were secured from local offices. Each clipping upon the desired subject was carefully clipped, pasted on slips and classified. The amount paid for clippings varied from one-fourth to one cent each, averaging less than one-half cent each. The company paid only for those accepted. At the close of three months' work the assistants received \$2.50 each, and it was impossible to recover the \$10 although a number of attempts were made. By this device the company received a membership fee, saved office space and secured its papers gratuitously. The amount charged for clippings is rarely less than 5 cents each (unless furnished in bulk, as where addresses of persons who are ill are given patent medicine companies) and often bring much more. To the uninitiated, with but little concept of the true value of labor, this may seem remunerative, but it is a loss of productive power which no community can afford. Where the supply of papers is large, and members of the family aid, this work may *seem* remunerative, though an analysis will show that this is a doubtful conclusion.

There are fraudulent employment agencies. One of these was most successfully operated in a number of cities. The plan was to rent a neat office and advertise "positions secured for servants." They paid the agent a fee of 50 cents or \$1 and were required to give references upon the presentation of which positions would be given them. In the course of a few days he netted a handsome sum and removed. Employment bureaus under municipal or other reliable supervision would correct these evils, if all others were prohibited.

Another illustration is the price advertised for addresses, from \$1 to \$11 per hundred—sometimes only a cheap address book is secured in return for the 10 cents required and nothing further is heard. Sometimes the list sent in is cut

down so that the percentage is small. Usually addresses are only paid for when not obtainable in city directories, so a hundred addresses may mean much work. Sometimes the lists are refused as incorrect in some small details, after copies have been made.

Some advertisements for home employment are so simple that their object is only to secure the address for advertisers.

In connection with this general subject the pure frauds need scarcely be mentioned. These are such as where a small sum is sent for an improved method in sewing or mending and a threaded needle is received, or where Bible quotations concerning fools are enclosed to some one seeking information along a practical line of work. Many of these are humorous and show an ability which might secure equally good profits in a more legitimate way. Across many advertisements could be justly written the word "beware." Too often the publishers do not realize the nature or "the secret of the advertisement."

Advertisements.—The public is perhaps more familiar with deceptions underlying these for typewriters, office girls, clerks, etc. Indeed it is extremely difficult to separate the genuine from the bogus. This evil is so great that some form of municipal inspection is essential, and names of responsible persons should be attached to advertisements. The Civic Reform Club of Chicago has investigated this matter and finds that less than 50 per cent. of these are for the purposes set forth. Pools are often formed and girls are drawn into these while searching for honest labor. The author's assistant answered a number of these advertisements in New York, and less than one-third were bona-fide offers. Some of the suggestions and propositions were made so boldly as to be quite inconceivable.

When it is remembered how many women in the cities and country watch for these opportunities and how many answer such advertisements, the possibilities for the misuse of this agency is clearly seen. Sometimes in answer to particularly attractive advertisements, a half or a bushel of inquiries have been received.

This evil is more easily remedied, however. Typewriters, clerks and other business women can organize and do much to repress it, and such agents as the civic reform leagues, women's clubs, etc, will aid the movement.

The last subject is one which is properly within the jurisdiction of the United States mails. Magazines and papers containing these advertisements could very properly be excluded. They appear most frequently in the cheapest weekly or family papers or magazines which are intended to circulate in rural districts. In this way many children and young people are reached by these so-called "home" papers. These advertisements are not fraudulent, but have an exceedingly low moral influence. As illustrations the following are given :

These may be roughly grouped as follows : (1) Literature consisting chiefly of books and papers for married persons, books and advertisements especially for men, mothers, lovers, etc., lovers' encyclopedias, modes of flirtations, and joke books. One of these volumes or papers contains as much corrupt teaching as could be assimilated in the worst districts in a city in a year. (2) Pictures. These are portraits of women and men, "Scenes of Gay Life in Paris," secrets revealed, etc. These are, perhaps, more detrimental than the literature because they appeal to the young imaginations, and are more easily understood. (3) Love packages and powders with which to win affection, lovers' guide, cures for bashfulness, books and guides for marriage, correspondents secured,

etc. These love powders are harmless compounds, but the effect of such ideas is incalculable. (4) Secret societies for boys, for distributing literature, etc. Prizes are offered for large lists of names of boys. (5) Instruction in fortune-telling, astrology, mind-reading, "hoodooism," etc. These encourage superstition and lead to harmful practices. (6) Perhaps the most dangerous are where great masses of miscellaneous literature are offered for 10 or 20 cents, or where numerous miscellaneous articles are sent in bulk. The following is one of the best toned of these advertisements:

One year's subscription to our large illustrated story and household paper, 1 pack of 12 Escort, Acquaintance and Fun Cards, 1 pack of 12 Devil Cards, 1 pack of 12 Key Hole in the Door Cards, 1 fac-simile \$5 Bill C. S. A. Money, 1 Big Song Book, Lovers' Guide, 120 Choice Photos, Love, Courtship and Marriage in 14 Chapters, 12 Love Letters, How to Flirt, Joe Miller's Jokes, Gay Life in Paris, Coin value Guide, Whiskey and Beer Recipes. Big Picture Book and a Coupon good for 25c. All prepaid for TEN CENTS.

In one of these magazines over one hundred such advertisements were counted. There can be no question but that the most rigid supervision is needed over such publications.

Public Play Houses for Women.—Public opinion has quite subscribed to the belief that physical exercise for men is beneficial. Christian association and club gymnasia and the provisions made by industries and corporations for employees are evidences of this belief. Only in a limited way has this need been recognized for women. The college woman is in most instances adequately provided for, and social women of wealth are equipping gymnasia. But the occasional gymnasium in connection with a Young Women's Christian Association does not reach the mass of industrial, business and social women. The plan proposed to meet this defect is not the finely equipped gymnasium, but play-

houses in purpose and spirit, the same as play-grounds for children. This is advocated in preference to the gymnasium: (1) It is a more adequate outlet for repressed spirits and cramped muscles, for there is more exhilaration and freedom of movement than in gymnastics. (2) The play spirit is not sufficiently cultivated in girls and dies out early in women. This spirit is of especial value to mothers in training children, to the maintenance of youth and to the success of the social woman. In the latter case it is too often sought through artificial means. (3) The psychological and sociological values of games are greater than those of gymnastics.

Games have a fourfold value, which support in a high degree the plan outlined at the close: (1) Physical, which develops the individual and maintains health; (2) psychological, which develops desirable mental qualities; (3) social, which enables individuals to adapt themselves better to environment; (4) æsthetic, which results in improved appearance of individuals.

It is so apparent that games maintain health that little need be said. Bodily functions are kept active, inspiration and enthusiasm are induced, and anxiety and mental strain, nervous tension and depression are relieved, for these must be forgotten in swift action and interest of games. Theatres and other amusements do not so thoroughly accomplish this, for the change in use of brain-cells is not so complete, and they suggest more thought and less action. For building up muscular defects, correcting functional disorders and overcoming physical tendencies, games have an especial value.

Certainly upon the mental side much can be said.

American life offers great opportunities for success in both the business and social world. Games assist in attain-

ing this. In these spheres, as well as in games, competition is the ruling element. This has a tendency to bring out selfish qualities and it is here the wise training of games is needed. The selfish element is eliminated because they require for their execution, not only a personal ideal, but co-operation with and dependence upon others. Some of the desirable qualities developed are: All forms of ball-playing, from simple chase-ball up to basket-ball, require self-control. The loss of this in one person may mean failure of a whole team. Next in importance is judgment. Many social blunders and great losses in the business world are due to its absence. Judgment in a game must be simultaneous in conception and application. Reason is required in the new combinations, forms and places in games. This is a quality needing development in women. In experiments the author has required each person to reason out the rules and explain why plays were good or poor. They thus relate cause and effect in a most practical and advantageous way. Imagination is essential. One must foresee the results of a play, and imagination is thus developed. Observation and memory are valuable qualities in the business world, and are of prime importance in social games, as whist. Attention is also cultivated to a high degree. Certain games tend to overcome certain temperamental peculiarities. Vanity and selfishness diminish gradually, for in games defeat comes as well as victory and all players must *share* the latter. Quick temper, sense of revenge and jealousy must be eliminated or they destroy harmony and success of team play; self-consciousness is as disastrous here as it is undesirable in the drawing room and untrustworthy in the business world; independence, self-reliance, mental poise, and sense of responsibility are stimulated for each player must

think and act for herself ; constructiveness and ambition are brought out ; and coördination of body and brain is perfected.

Games develop the initiative rather than the imitative. Owing to a restricted life and a narrow evolution women are sufficiently gifted in the latter. The former implies greater ability to seize opportunities, to devise new combinations when old ones fail, and to cope with complex circumstances. There are problems to be met in games, similar in principle to those in everyday life. Again, games can be used to correct unwise tendencies. Thus, specialized work, as in one form of game, may be used with persons whose interests diffuse aimlessly over large areas, for the interest can be made to hold them. Games like basket-ball where the habit of action is required prevent dreaming or attention to small details. The value as a means of discipline is apparent to all. Order, system, obedience to command, regard for others, etc., are clearly essential.

Then, again, there are games devised for stimulating the senses. Thus, for sense of smell, seeking for concealed odors ; for sense of touch, fencing, for one feels rather than sees her opponent's next move. The sense of sight and hearing are rendered more acute in all games and there are many which improve sense of time and rhythm. The importance of these senses is often underestimated in daily activities.

The social value is threefold : First, games should include many persons and not be narrowed to the "picking" of one or two teams. They admit many players and all should have equal opportunities. "Making a team" is not their purpose.

Games are also a source of education and culture. Many

social functions are based upon them and many exhibitions involve them. Upon the conduct of individual players depends the impression made upon the public and the ideal presented. A number of the games in which women have participated have been characterized by scenes which have brought strong criticism, for petty jealousies, selfishness and unfair play have been shown. This simply means the ideal possible through games has not been reached. Rules of games are not technically interpreted or justly enforced; decisions are not made or accepted in a sportsmanlike way; conduct of the games is not systematic or business-like and many privileges and favors are expected, which, if granted, bring out injustice and all this because of deficient training of the play spirit. It may be feminine to be guilty of the preceding, to delay games and to fail in appointments, but it is not womanly. Women need more unselfish associative life and more systematic organization, in which shall be developed responsibility for social ideals.

There are qualities which games are influential in developing which have a social value. These include loyalty, toleration of others, sacrifice of unessential details, conservation and expenditure of energy where most needed, enthusiasm, honor, courage, perseverance, strength of will. One or two illustrations of the social value of these will suffice. Loyalty is of much value in labor organizations. It implies interest in and appreciation of others' efforts. The capacity for expending energy when and where most needed is often the explanation of success.

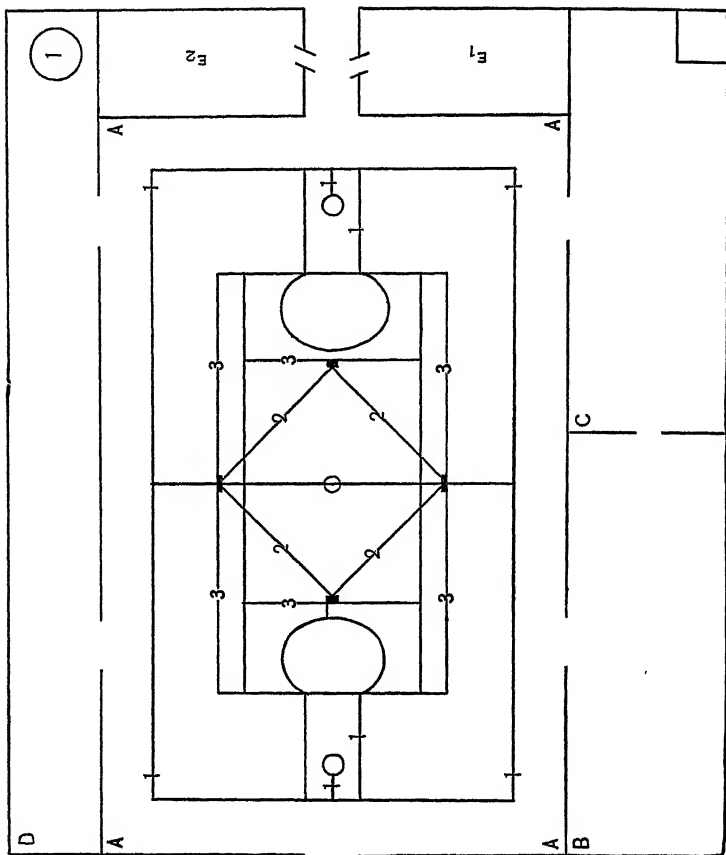
Enthusiasm, honor and courage are among the other qualities which are strengthened and these are essential in any progress, whether it relates to the home, club, community or nation. By enthusiasm is not meant gush, for enthusiasm

of games removes individuals from too close communion with themselves. Virtue is a stronger quality than honor among women. The latter implies an integrity extending to both personal and impersonal life. Courage, perseverance, strength of will are among the most difficult qualities to strengthen. Games call for the rarest kind of courage, for the greatest perseverance and use of will in self control. Perhaps no qualities are more essential to success in any field.

These play houses have a direct social influence in furnishing places where energy, spirit and interest can be expended in a healthful way and are not permitted to become morbid, repressed or distorted, or flow into activities indiscreet and immoral. The value of games has been ignored here while it is one of the greatest agencies for the prevention of social immoralities. Women at best live artificially and under great restraints. Games are natural expressions and require no restraint.

The æsthetic side may seem less important. Few women stand or walk well, many move awkwardly and have never learned the art of running. Healthful, regular athletic work is conducive to good form and reduces adipose tissue and this is a matter of æsthetics. Awkwardness is a social evil, as any frequenter of crowded thoroughfares knows. Dress and personal habits are changed by attention to the æsthetic side.

For the development of this plan, there are two essentials: playhouses and competent directors or instructors. In cities, where ground is so valuable, floors of other buildings might be utilized for this purpose, for they must be accessible. To women of financial independence, no problems of endowment or gifts occur. The plan, a sketch of which is given, pro-



vides for a number of sports and is so arranged that it can be upon the floor of one building, preferably a ground floor, but upper stories would answer, as the apparatus is simple and not heavy. As finances permit, this plan can be enlarged upon, but it is presented in its simplest form, so as to be practicable for business and laboring women.

A is a room in which could be laid out the basket-ball field, in-door baseball diamond, and tennis court. Most ball games could be played here. It would be desirable to have a gallery which could be used as a track, and audience room during games. *B* is a tank room with lockers and baths. This would be the most expensive part of the equipment, but would also be the most refreshing. It requires a ground floor room. *C* is for handball, fencing, and croquet. *D* represents a long room for bowling and archery, and rowing machines. Rowing machines are valuable for maintaining health, development, and æsthetics, and have the value of a game because they require concerted action. *E* is a kitchen and tea room in order that social life may not be excluded. This play-house could be begun on even a smaller scale. It would be advisable to have this building open not only evenings, but a part of Sunday for working women, so the choice between this and less wholesome influences could be exerted.

The second essential is the instructor. She should have a knowledge of gymnastics and games. Her attention should be given to the development of all four phases, and to individual needs of players and there should be a knowledge of physiology, anatomy and psychology, for careful examinations and supervision are needed in the more vigorous games. They need to be graded and selected in accordance with the conditions and needs of individuals. Thus, for cer-

tain mental defects certain games may be prescribed; for muscular defects, the needed exercises; and for temperamental peculiarities the needed work. The instructor must also superintend and arrange games and have enthusiasm and interest in its social phases.

The author appends an outline showing the value of some of the more complicated group games and of rowing, swimming and running. The many less complicated games can be introduced with equally effective results which are apparent without illustration.

Fencing (including cane fencing).—Physical: Sense of touch, quickness and accuracy of movement, coördination, wrist and arm development. Mental and æsthetic: Judgment, self-control, quick reaction, steadiness, grace and poise.

Tennis.—Physical: Sense of sight, arm, chest, and back development, habit of action, coördination, steadiness. Mental and æsthetic: Calculation, judgment, self-control, perception of space, grace in rapid movement and in jumping.

Croquet.—Adapted to those not capable of the more vigorous games and for highly strung, nervous temperaments. This is also true of billiards, though it must be wisely directed. Physical: Correction of curvatures, coördination. Mental and æsthetic: Judgment, reason, analysis, observation, memory, good positions in standing and leisurely movements.

Swimming and Rowing.—Arm, chest, back, and leg development, sense of time and rhythm, rapidity and ease of movement combined. Mental and æsthetic: Presence of mind, steadiness, and coördination. Rowing is particularly valuable for good form.

Running.—Leg and chest and lung development, coördination, independence of movement.

Bowling.—Physical: For back, arms, loins, vision and correction of curvatures. Mental and æsthetic: Accuracy, poise, and good form.

Archery.—Physical: Vision, development of arms and back. Mental and æsthetic: Accuracy, fine discriminations, judgment of distance. Especially valuable for poise and grace of movement.

All Forms of Ball, Including those of Chase-ball, Basketball, Handball, and Indoor Baseball.—Physical: All around muscular development, senses of sight, hearing, and touch, habit of action, precision, endurance, and quickness of reaction. Mental and æsthetic: Attention, observation, memory, imagination, and steadiness.

All games requiring team work bring out most abundantly such qualities as honor, pride, justice, ambition, patience, perseverance, loyalty, unselfishness, self-control, discipline, concentration of energy, etc.

Educational Tests: It is a familiar statement that education does not prevent crime; that the criminal class is not uneducated. There are two grounds for this assertion: (1) That crime is increasing, though education is more general, as is shown by the census and state records; (2) that prison reports show a large proportion who are educated. Since census and state reports are made up in the same manner as the prison records the criticisms of the system apply equally to them, and the inaccuracies are just as great. It is in the hope of correcting these inaccuracies that the following suggestions are made. Statistics of prisons are used widely and indulgently, both by students and by those who know crime only as it appears in these reports, and it is most essential that they should be trustworthy. The criticisms are two: First, that there is an erroneous concept regarding education;

second, that the methods used in institutions in ascertaining the education of criminals are defective.

Popularly, as well as in institutions, reading and writing are considered as adequate tests of education. Nothing can be more erroneous. The mere ability to read is not education unless there is the additional evidence that *use* has been made of it; writing is no more a test than ability to make willow whistles, or sailboats. Both show only mechanical ability. A beautiful penman may have had less real training than one whose writing is scarcely legible. There must be evidence that some *use* has been made of these. Without dividing education into superficial categories, as moral and mental, but using the term comprehensively, it is that training which puts an individual into conscious relation with himself and with his environment and enables him to control both. It is the means which makes successful functioning in response to environmental stimuli. Anything which falls short of this, when working with fair material, is defective education. In this concept something beside reading and writing are required. When the wayward child or criminal is judged, stress is placed upon these mental acquirements; when judging the normal, the same standard is applied, but unconsciously it involves many other factors. The school gives the normal child the same mental training, but the home supplies the reading and fund of general and useful information, teaches restraint in selfishness, develops self-control, and erects barriers against unwholesome influences, associates and amusements. Often the school must represent all these to the child who later becomes a criminal. Investigations in the reform schools show that the *sum* of education which such a child has does not in any degree correspond to that possessed by the average child in the

home outside, and not in his own social and economic class. When a child surrounded by good influences and possessing a good home is educated in the same school with the child in a lower social scale, and has the same studies, the sum of education in the one case is much greater for it is made to mean more. When the carefully-guided child comes to read and write, he has better preparation, and a wise hand directs as well as encourages its use. When he learns geography and history, they have more content through associative facts. Thus, elementary studies may mean much or less.

Why are prison statistics defective? In every institution their accuracy depends solely upon the verbal statements of the criminals. Even when these can be verified or disproved during residence in the prison, efforts are not made to correct the official record. When it is realized what wide use, what sweeping generalizations are made from these records and how these ultimately affect legislation and philanthropic effort, it becomes apparent that there is needed a standard educational test. That statistics do affect philanthropic acts can be illustrated. For a long time the theory of heredity of crime seemed to catch public thought. But environmental factors are now analyzed and emphasized. One of these factors is shown to be lack of labor, fully seven-tenths of criminals being without trades or idle when arrested. This may be either through choice or necessity, but the result of this definite piece of knowledge is that, at least in New York and Chicago, homes and bureaus for discharged convicts have been established, whose object is to secure work, teach trades and induce an interest in labor. Their most conservative reports show good results. Such practical endeavors would have been impossible under the old belief, which considered such efforts useless.

There is unlimited evidence of the unreliability of prison records. The Illinois State Penitentiary report for 1898 classifies education as follows: Illiterate, 74; read only, 23; read and write, 281; common school, 874; high school and collegiate, 114. Admitting that these replies are truthful, this looks like an educated population. The writer spent several days in this institution taking measurements and making psychological tests. There were sixty-three women confined there, and out of these it was difficult to secure ten who could read and write well enough to take the tests. The mind was so poorly trained that their attention could not be held long enough to secure accurate judgments and reliable introspection. Yet the tests were both new and interesting to them.

The Eastern Penitentiary at Philadelphia records its data in terms of the individual's school attendance, and if public or private schools. In some instances additional facts, as "read and write," "read and write imperfectly," "illiterate," are given. Results in terms of private schools are useless, because of the variable nature of methods and studies and length of terms. The data for public schools are too indefinite to guarantee any deductions. The House of Refuge for Women at Albion, New York, uses the terms "illiterate," "read and write only," "read and write a little," "read and write well," "good education." Whatever is meant by good education must depend upon the concept of the person making the observation, and no two persons would judge alike a new arrival of whom they have no previous knowledge. A most progressive women's prison, that at Sherborn, Massachusetts, classifies education simply as "able to read and write" and "illiterate." All of these institutions are reformatory, and accurate knowledge of the education and capacity of inmates

would be most essential. These illustrations are fairly representative, and show such a lack of uniformity that only doubtful information is conveyed and all accurate deductions are impossible. Tests would be more trustworthy than the statement of individuals, who often have excellent reasons for concealing the truth, as in cases of forgery, swindling, etc.

The objection to a definite series of tests will at once be raised: the criminal will refuse to submit or will deceive in the results. Those who refuse or deceive can be classified as unknown, and this will prevent false deductions from statistics. It is difficult to deceive in the tests proposed, if the observer is trained, and they should be made a part of the prison *régime*, as are anthropometric measurements for identification and strength tests for the apportionment of tasks.

The following series is not an adequate one, but indicates some facts which can be ascertained definitely and which can be graded numerically. Methods for these tests are found in the chapters upon "Psychological Tests" and "Suggestions for Laboratories and Child Study," and must be made according to prescribed methods. They include the following:

1. *Reading*.—(a) Common English prose; (b) demonstration of ability to transpose into subject's own English; (c) names of five books the subject has read, to show use and kind of reading.

2. *Writing*.—(a) Constructive, as of a letter or upon some given subject. This shows spelling, grammar and use of words; (b) from copy, for illiterate inmates.

3. *Memory*.—Tests with numerals, letters and sentences.

4. *Mental Ability*.—(a) Blanks with omitted words to be filled in; (b) construction of sentences from given words (time and errors are both to be noted); (c) uses of com-

mon things, as of money, food, clothing, objects in nature and in daily use ; (d) functions of various public agencies, as of schools, churches, labor organizations, post offices, etc.

5. *Comprehension*.—Tell a story, and its reproduction by the subject shows if vital points were grasped.

6. *Imagination*.—(a) Show a picture and have its meaning portrayed ; (b) construct objects, etc., from an ink blot ; (c) what use would you make of sums of money ?

7. *Reason*.—(a) An argument containing an apparent fallacy ; (b) one containing an obscure fallacy ; (c) construction, as in puzzles or putting together complicated parts of objects.

8. *Association of Ideas*.—This consists of three classes : (1) Free association ; (2) constrained association ; (3) direct stimulations to the various senses. From half to a minute has not produced fatigue for the criminal class.

9. *Moral Sense*.—(a) Story showing an apparent moral discrepancy ; (b) one showing an obscure one ; or (a) hypothetical case calling for application of a simple moral principle ; (b) one more difficult.

It is further proposed to state the general result in terms of percentage. Thus the standard of 100 can be determined by taking these tests of a number of college students of one grade. This would give the normal. A certain number of units would represent proficiency in each, the general percentage to be made up from these. As some tests are relatively more important than others, the marking for each could be preserved if desirable. Thus, if that for reason represented eight units, five for ability to discern the less apparent fallacy and three for the more apparent one, and the individual could only discriminate the latter, a preservation of each marking would show the kind and

value of the various tests which make up the general percentage. The general marking would be similar to that of school examination papers, where it is made up from the answers to several questions. Where no reformatory work is attempted, a part of the test could be used, as Nos. 1, 2, 3, 4, 7, and 8.

In the South prison statistics are even more unreliable. Only a few institutions collect such data at all, and it is recorded in much the same way as in the North. Such tests would throw much light upon the subject if education prevents crime among the negroes.

Training of Correctional Institution Officers.—Of great importance is the kind of officers who have the training of children. These are almost exclusively women, and include teachers, matrons, assistant matrons, housekeepers and others. The relationship of these officers to the children is most intimate, for teachers and matrons hold the most influential positions. Where the cottage plan is in use, a man and his wife are often in charge and are the most influential agents. Upon the under-officers devolves the responsibility of developing and training the children. All individual training, which means repression of evil tendencies and the creation of new desires, must be done by them. All institutions endeavor to create a home influence. For this is required the qualifications of mother, teacher and disciplinarian, for the child must be loved, taught, and directed. These are required in a great degree, for it is an incongruous family, in which there is but little mutual love and interest, and in which members are constantly changing. When it is remembered that most of the children come into these institutions with natures warped by bad training and neglect, with minds poisoned by a knowledge of evil, with feelings which

respond only to harsh treatment, with bodies defective through disease and bad habits, or undeveloped through insufficient nutrition or vicious training, the enormity of the task becomes apparent.

The work of the teachers is primarily mental instruction and discipline. Their work is scarcely comparable with that in the public schools, for the child is more deficient, its needs are much greater and are the more difficult to meet. The teacher coöperates with matron as she cannot with a mother. She directs their reading, understands and controls their environment and associates. She must study defects and apply individual methods in a way in which no other teacher has opportunity. Her teaching must be adapted for moral training, whereas the public school teacher assumes that this exists in the home. Her capacity for imparting knowledge and for interesting the children must be great, for she is dealing with a class which has exhausted many sources in free, reckless living. In the instruction in sloyd and manual training this is especially true, for the mind must be given material which it will turn in a profitable direction while the hand is busy. The duties of matrons and other assistants are not less difficult. They have less knowledge to impart, but often aid in lessons and are the chief disciplinarians. Modern discipline means not only firmness and patience, but capacity for entertaining, amusing, and interesting the children. Harsh measures can be rendered unnecessary, for it is often lack of interest, need of entertainment, or repressed energy which can be turned into play, that cause infractions of rules. It is these officers who set the example, impart the daily moral lessons in small things, and give the cultural training. This must be accomplished through the many methods known to mothers and teachers. The beauty, ideal-

ity, hopefulness, usefulness and possibilities of life are new to most of these children, and this is their only opportunity for learning them. In work, study, habits of cleanliness, morality and self-control, they must be directed. The officer can set no standards to which she has not attained, for these children are peculiarly suspicious and cynical, and soon detect the fraud. It is these officers who are with the children constantly in outdoor life, as well as indoor life, and upon their knowledge and sympathy depends the child's thought and subsequent progress.

The qualifications for this task then must be of a high order and these officers are often selected in a manner which prevents this. While performing tasks more difficult and exacting, they are frequently inferior to teachers and others in professional classes. The work in these institutions should rank among professions and its employees should be drawn from classes from which professions are supplied. One reason why they are not, is that many elderly women are employed, and in health, strength and interests are often far removed from child-life. As a rule, they are rarely selected from classes possessing the required culture and education. The superintendent is influenced by political pressure or is frequently not placed in a position to come into contact with desirable persons. This is true because he must so often draw his assistants from the trades rather than from the professions.

The fault does not lie wholly in the kind of applicants and method of selection. The institution is also at fault. Any work, in order to secure the best material, must offer good inducements. The wage-rate in institutions is fair, but more closely approximates that of trades. Special training for work can only be undertaken when the returns justify

such preparation. Good officers are as important as good buildings and good sanitation, but less money is expended proportionately. The requirements of the position are the most serious considerations. Women with well-trained minds, finely cultured natures and having high ideals, cannot long endure the demands made. The hours are long, ranging from ten to fourteen daily, and the matrons are subject to calls during the night. The hours for teachers are longer than in the public schools, because they have more supplementary work. The restrictions in opportunities, liberty and recreation are most serious. Of all vocations, this should have the greatest freedom. These officers should come most closely in touch with the world's interest, in order that their influence may be fresh and inspiring. Most of them are confined in the institution daily, with, perhaps, a half day weekly and one Sunday a month. Often these rest days are spent at the institution. An eight-hour law is needed with more rest-days and with the further preference that they be spent away from the institution. If mothers and teachers in public schools need to use libraries, theatres, social life and nature, in order that they may be successful in training children, how much more does the officer in an institution need it, for she works in an atmosphere of constant depression, one which demands much vitality, inspiration and spiritual strength. These must be replenished from without the institution. The life in an institution is narrowing, and so long as this is true and there are restraints which even the factory and workshop do not impose; so long as the influences which keep life fresh and useful are excluded, the cultured, educated woman cannot be secured. Social life is of the most elementary kind, consisting of the contact of individual with individual. There is rarely any or-

ganized social life for reading, amusement or recreation, and it is not encouraged. These institutions are often removed from cities and every facility is needed for the improvement and freedom of officers. They should have the advantages of libraries and of recreation, instead of being so restricted. While no effort is spared in making institution life for the children bright and attractive, but little interest is taken in the employees who must so largely contribute to this. No institutions provide lecture courses, or entertainments, or encourage club work, even along lines in which officers are working.

If the nature of the work requires qualifications equal to those in the professions, how can they be obtained? For all occupations requiring skilled labor, there must be special training or apprenticeship. Training for one trade does not qualify for another. No important position can be obtained unless there has been special training for it. There is none more important than that which has for its object the mental, moral and physical development of children. It is the most rigid economy for the state to provide skilled workmen for building up a class which promises to undermine its foundations. Aside from special training, almost all classes have organizations for mutual advancement. These under-officers have none. The prison associations and charity organizations exist for superior officers and educators, but they are not within reach of the rank and file of practical workers. Local organizations and meetings are necessary, in which the time, location and salaries of employees will enable them to participate. But this is not enough. There are two ways in which such officers can become qualified. The first is to establish training schools and award positions upon diplomas, or upon civil service examinations

based upon their work. The details for such a scheme include the following :

Such a course should cover at least two years. The work must be both theoretical and practical, the latter to include from three to six months. The necessity for practical work requires that the school be located in some city where access to public institutions is easy, just as medical schools need hospitals for their successful work. Such a school could be conducted alone, but would be more desirable in connection with a university, college or normal school. Many of these now give courses which could be used, with some few modifications, for the work in hand. Work equivalent to eighth grade or first year high school should be required for entrance. The practical work could well occupy six months and part of it might be done in the summer. Public institutions would in all probability coöperate with such schools, and would not only enable students to do substitute work, but would grant permanent positions to the applicants, for there is such constant complaints about assistants. The inefficiency of assistants has led New York, Massachusetts and Illinois, to adopt a civil service law which applies to some employees. But the civil service examinations alone are inadequate, for they include only elementary subjects and the tests upon practical questions are unsatisfactory. As an illustration of the latter, a sample question upon discipline is : " If an inmate declines to enter her room, what would you do to make her obey ? " Such a question considers only a fact without reference to the principles, circumstances or actors involved. Good discipline requires a knowledge of the individual committing the act and of the particular circumstances. Thus, theoretical training is not sufficient.

Many subjects could be included in the proposed theo-

retical course, but the following are given as most essential. In all the courses, emphasis should be placed upon the fact that the persons being instructed are to train children. The subjects, with a brief outline of the scope, are :

1. **Literature.** — (*a*) First requisite, use of good English ; (*b*) special acquaintance with books which will enable the officers to choose and direct the reading of the children. This knowledge must cover in detail the fields of fiction, juvenile and general literature. In many institutions, only books having a religious significance are freely used. This is due to the fact that there is not the knowledge which will enable the adaptation of books to each child's needs. A thorough knowledge of books and current literature aids in developing each child, and the teacher or matron can make books meet certain moods and especial needs. This is an almost neglected field in its possibilities. Myths and children's stories should be well known, and especial attention should be given to the art of story-telling.

2. **Nature Study.** — Not a technical study, but a general knowledge of zoölogy, botany, etc., which will enable officers to take children upon excursions, into the woods, which will be of interest and profit. There should be sufficient knowledge to enable children to make collections, construct receptacles for larvæ and insects, study birds, eggs, trees, etc. The literature upon the subject should be well in hand. This is one of the greatest agencies in education and discipline, especially as many come from crowded city districts and are unfamiliar with nature. It is a field almost unused at present.

3. **Æsthetics.** — Some general knowledge of the principles, uses and details of music, art, decoration, museums, etc. These add vastly to the resources of assistants. It is ex-

tremely important that the child should be given knowledge and influences which tend to supply defects in the environment from which it comes. These are general subjects which add to cultural influences within an institution.

4. **Physical Culture.** — Officers should possess a knowledge of simple gymnastic exercises and games. None of these institutions has a gymnasium, and few have play-rooms. Simple exercises and games are most desirable indoors upon rainy days, and more complicated games are needed for active outdoor life. The value of these in discipline has been neglected. Often a simple game relieves repressed energy which otherwise leads to infraction of rules. It is deplorable that for a class so defective physically there are no gymnasiums or play-rooms, and that recreation is often less than one hour daily. This is too often due to lack of knowledge, and inactivity on the part of officers. For boys, military drill and gymnastics are desirable for indoor and outdoor work. The knowledge of gymnastics and games implies a certain physical attainment upon the part of employees, which is now often lacking.

5. **Physiology.** — This should include general physiology, some knowledge of anatomy, and some familiarity with the uses of drugs, narcotics, etc. This information is essential to all, for many children who are muscularly strong, but nervously weak, are overworked. Infractions of rules are often due to functional disturbances, which some knowledge of physiology might enable the disciplinarian to understand. General laws of health and conduct have much to do with this subject, and familiarity with medicines, drugs, etc., is essential when children are being received in the conditions in which many of them arrive. They frequently come from families where many quack medicines are used, and where the

effect of alcohol and other stimulants is unknown. This ignorance and superstition needs to be corrected by supplying sound knowledge.

6. **Sanitation, Hygiene, and Foods.** — These children come from houses and districts where the two former are often unknown, and where the use of food is much abused, both in quality and in preparation. It is a great task to teach them habits of cleanliness and order. Hygienic food and clothing they can see no reason for. Children with poor nutrition and depleted vitality need foods to meet the deficiency. It is most essential to know the quality, quantity and kind of foods which each child needs.

7. **Manual Training.** — This would include sloyd, domestic art, modelling, trades, etc. The officers should have a knowledge of these in order to teach and interest the children. Manual training aids the child in creative work. The tendency of institutions is to develop the imitative, and especial stress should be placed upon this work and its constructive value.

8. **Psychology and Pedagogy.** — The fundamental principles of both, with especial attention to child psychology and educational psychology, together with some knowledge of methods of child study, should be included. In addition to general pedagogy, methods of teaching in various schools and institutions, experimental pedagogy and principles of kindergarten should be known. These help the teacher and matron in understanding the child and in selecting the needed individual methods for imparting knowledge, and in discipline.

9. **Sociology.** — (a) General: including the fundamental laws and organization of the family, community, state and nation. A study which shows the relation of the child to

these and to institutions, is especially desirable. (b) Dependents, including their treatment as public, legal and outdoor relief; unemployed and homeless; dependent children; medical charity; voluntary associations; charity organizations; state and federal organizations. (c) Defectives, including methods of treatment for blind and deaf mutes, feeble-minded, insane, epileptics and inebriates. (d) Criminal sociology: study of the criminal, causes of crime, criminal laws and procedure, elements of penology, prevention of crime, juvenile offenders. (e) Economics: some knowledge of the problems of labor, taxation, organizations, finances, trusts, laws, etc., which have a special reference to the delinquent, dependent, and defective classes, and to children among these. (f) Field work: its scope and methods, and the practical first-hand study of these classes in cities.

The practical work which should follow this theoretical course would include familiarity with the districts from which the children come, and study of causes of conditions within these. There should be a broad knowledge of the life, training, habits, and associates of the child, as shown by environment. Then the child's knowledge and defects can be more correctly estimated. There should be familiarity with institutions and their methods. This includes those for dependents, defectives and delinquents, in order that suggestions and comparisons may be made. In addition, there should be the actual holding of a responsible position in some institution. This could be secured by substitution for regular employees. The ideal would be to have an industrial school under the supervision of the university or college, the superintendent and officers to be supplied by the college. In this institution the theories and experiments could be applied, and the most modern methods used. This practical

work would meet one other need: applicants for positions would know if the work was congenial or if they were capable before they accepted permanent positions, and a great amount of experimenting upon children by persons unfamiliar with the demands of the work would be avoided. This is now a serious detriment.

In such a training school superintendents, teachers and matrons could be trained. One other officer also needs systematic training: a parole officer, who shall not only investigate the homes where children are to be placed, but those from which they are taken. If carefully trained she can secure much valuable data from the districts, homes and associates of the child. Then a report can be made for the institution. Possessing this, the institution can supply defects and can create a new environment when the child is sent out to a guardian. If this statement accompanies the child to his parole home, together with his record at the institution, the guardian is in possession of facts, which from the start enable him to deal intelligently and sympathetically with the child. Results from laboratories, established in these institutions for a careful study of the child, can also be used to great advantage by both officers and guardians. Many children are now sent into families who desire them only for cheap labor and give them no educational advantages. This is a most serious evil and must be corrected through a more efficient parole supervision.

This course of instruction applies only to officers intending to secure positions. The second plan is one for assisting those already in institution work in attaining a higher standard. This method is to conduct studies within the institution, so that those who are in the work can be reached. The instruction can be carried on by the superintendent, or

preferably through the extension or correspondence department of a university, as administrative officers are usually very busy. The plan is to follow the same outline of studies as given in the proposed training school. Each subject can be pursued for as long a period as is desired. It would be well to have each one begin with a lecture, or lectures, arranged through the extension bureau. The lecturer could then furnish a syllabus which would serve as an outline for papers and discussions at the subsequent meetings, conducted by the superintendent. These classes could meet weekly or bi-weekly at the institution under the superintendent's direction. The function of criticism of the different theories and methods should be especially brought out. The introductory lectures should aim to cover the general fields, with especial reference to the work in hand. In difficult subjects, as physiology, or comprehensive ones, like sociology, several lectures might be advisable. Such a class-study method would give the officers the opportunity of acquiring training of value in their work, would stimulate social life, and they would feel as though some interest was being taken in them, and that their work was not all drudgery.

For prisons this class-study method is entirely practicable but some of these subjects are not essential and the training and class-study work could be confined to sociology with especial reference to matters dealing with dependents, defectives and delinquents, to economics, laws, etc. Knowledge of physiology, hygiene and literature could not be amiss, however, for whatever gives the attendant more culture and broader views, influences men with whom he comes into contact.

Kindergartens in the South.—So successful have been the experiments made in the North with public kindergartens,

that they have now become a permanent institution, not only in public schools, but in such as industrial and manual training schools. The kindergarten has come to be regarded as a necessity and is considered the best preparation for common school work. The extension of kindergartens among negroes of the South is considered here, chiefly with reference to the prevention of crime and pauperism. No statistics have yet shown that adequate education and training will not prevent these. If education and training do not tend to prevent criminality, then there is something radically wrong with its method and scope and this is precisely the fact in the southern states. It is true the negro has the advantages of common schools and has many colleges, but before he comes into these, a basis is laid which these influences cannot change. The common schools and colleges aim only at mental training, and moral and healthful physical training are not considered. Unlike the homes of white children, these are not supplied, and upon this weak moral basis is reared an artificial superstructure of mental training. The common schools and colleges receive the child too late, and industrial schools are open to the same objection. Even Tuskegee lacks a kindergarten department where children can be received before the tendencies are well formed, but plans are being made to establish one this year.

There are some especial reasons why the South needs kindergartens: There are no compulsory education laws; in many districts the terms are short; and the teachers are not as capable as are white teachers. They have not the training or ideas which enable them to do such effective work. But the most important reason is unquestionably lack of training in the home. This is due to two causes: ignorance and environmental conditions. The nature of *consistent*

training and discipline is almost unknown among the mass of negroes. There are no nurseries with all the influences attaching; and no facilities for supplying reading. It is well known that the greatest amount of individual training will secure the best results, that children must have methods adapted to their especial temperaments and needs. The negro family is too large for one mother to give individual training even were she more capable.

It is impossible for the best common school or college to completely eradicate these impressions and the knowledge gained. Many white children who live under conditions similar to those of negroes find their way into juvenile institutions or remain at the bottom of the ladder as paupers. For further details of children see the chapters on "Environment and Criminality" and "Sociological Data."

In advocating the kindergarten, it is not believed to be a solution of the whole problem, only a part of a great sum of movements which are necessary to save the child—no one effort can solve so great a problem. The establishment of public kindergartens in connection with public schools or separately would have two results, influence upon the child, and upon the mother and home. The former would be:

1. Removal from streets of a large number of children who are not reached by public schools. This might require compulsory education laws and truant officers.

2. Discipline and training begun at an age when the child is most impressible.

3. Instruction in plays, amusements and work which would create and direct tastes and interests. Here the child can be taught manual skill and foundations for thrift laid. The negro needs training which will substitute the initiative for the imitative, which latter is so strong in the race.

4. A better preparation for common school work. Kindergarten principles influence the later school work when they are a part of the school system.

5. Intercourse with associates would be better regulated and controlled.

6. Good practical moral teaching could be begun and some attempt made to rationalize the religious system which is now so often detrimental.

The influence upon the home would come about through the contact of teachers with parents and through the knowledge brought in by the child. Mothers' meetings could be conducted with profit, and much improvement brought about by giving them practical instruction in foods, cleanliness, hygiene, physiology, nursing, training of children, etc.

These kindergartens must be established first in the cities. For this purpose appropriations from the national government would be most desirable, as southern states are still quite heavily burdened. Probably normal schools would offer good opportunities for negroes who wish to secure training. A special kindergarten training school could be established later for them, preferably in the vicinity of Washington or Richmond. These kindergartens would need to be under boards or commissions and have an able director in order to insure systematic and effective coöperation and wise use of funds.

The kindergarten could be broadened to meet another need. In the North, great stress is placed upon supplementary education. Through directing the outside reading, children are taught how to select books and what to read.

The education of the negro has been downward, and luxuries, not necessities, have been given. This has failed in the North and it must also fail in the South. The system

must be changed—the child must be trained from infancy, his surroundings improved and the standards of his home life raised. Only then can the question be dealt with, “What effect has education upon the negro?”

The need of libraries in cities and rural districts is recognized by all familiar with southern conditions. One of the faculty of the Kenwood Institute, Chicago, is sending out small libraries of about thirty volumes each. These are sent to teachers in rural districts and are changed from one locality to another when read. Teachers in these schools have been in many instances pupils of the one who is engaged in this movement, and thus efficiency and care are secured. Reports from these libraries show that the books are eagerly read and that they are accomplishing some good.

There is need of organization and systematic control of agencies, which will prevent crime and pauperism. This organization should aim to bring all workers in the South together for conference and mutual enlightenment. The Southern Educational Association is not sufficient, for it does not include correction, charity and social workers. Such an organization needs its special agents to keep it in touch with all movements and conditions.

APPENDIX.

ON pp. 14 and 112 a brief outline of a sociological laboratory for university and other institutional work was given. A tentative outline for the former is presented in greater detail in the hope that interest and criticism and suggestions will be developed, leading to the establishment of such a laboratory. Since the equipment has been quite fully given, only courses of study are included here.

Undergraduate. — The primary object is to teach systematically and experimentally, the methods of gathering and recording data, and its interpretation. Second, to encourage and conduct visits to places and districts where different phases of human association are represented. This has a value in both technical training and general education.

This appears to be best accomplished by this method: One lecture weekly in connection with laboratory periods, in which material is described and defined, its relative place fixed and directions for locating and utilizing it, with such historical and comparative matter as may be necessary. These lecture periods should also include quizzes and written reports upon field work and criticisms upon methods used by students.

Laboratory periods should cover from 2 to 6 hours weekly, depending upon the amount of field work undertaken. Indoor laboratory work would consist of practice in making records in various forms, familiarity with appliances and their manipulation, indexing, reviewing, etc., of sociological data published, or of new material. Outdoor laboratory

work would consist of visits, under the supervision of the director, to various places of sociological interest. These places would include numerous institutions, industrial enterprises and districts, courts, residence districts, places of amusement, of recreation, quarters of foreigners, etc. This would furnish new material for reports by observers.

Graduate.—A seminar meeting, weekly or bi-weekly, for the purpose of outlining work and methods, and criticism of reports.

Special research work should be encouraged and directed: (a) In districts and among peoples in the city. (b) Research in the laboratory, the material being brought in, as different individuals from various environments, defectives, etc. Some relation might be clearly established through this indoor and outdoor laboratory method and one subject of research might combine both. (c) Some study of the laws and principles underlying social phenomena with especial reference to the work in hand. (d) Especial attention to criticisms of laboratory methods, appliances, etc. The critical as well as constructive spirit should be developed, as distinguished from mere observation and recording of facts.

Extension Work.—A board or secretary to arrange for placing students where they would gain experience, as substitution or regular employment in charity organizations, institutions, and religious, social and business associations, where laboratory training would be of value. Through this, provision for extension lectures along practical lines could be made for officers of such institutions as prisons, reformatories, children's homes, etc.

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The Criminal

HIS PERSONNEL AND ENVIRONMENT

A SCIENTIFIC STUDY

By the Reverend AUGUST DRÄHMS

Resident Chaplain of State Prison at San Quentin, California

WITH AN INTRODUCTION BY

CESARE LOMBROSO

Professor of Psychiatry, University of Turin, Italy

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